

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF MAY 16, 2008

(Published May 24, 2008, in *Finance and Commerce*)

Council Chamber  
350 South 5th Street  
Minneapolis, Minnesota  
May 16, 2008 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Goodman moved to amend the agenda to include under "New Business" an ordinance introduction amending Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation* by adding a new Chapter 235 entitled *Dogs; Outdoor Food and Beverage Service Establishments*. Seconded.

Adopted upon a voice vote.

Ostrow moved to amend the agenda to move the T&PW Report relating to the contract extension for Minneapolis Refuse Inc to the end of the agenda in order to be considered following the closed session relating to the Minneapolis Refuse Inc lawsuit. Seconded.

Adopted upon a voice vote.

Lilligren assumed the Chair.

Johnson moved to amend the agenda to add the matter *Flowers v. City of Minneapolis* to the closed session. Seconded.

Adopted upon a voice vote.

Johnson resumed the Chair.

The agenda, as amended, was adopted upon a voice vote 5/16/2008.

Lilligren moved acceptance of the minutes of the regular meeting of May 2, 2008. Seconded.

Lilligren moved to amend the City Council Minutes of May 2, 2008, relating to the report of the Health, Energy & Environment Committee regarding appointments to the Civilian Police Review Authority Board, by deleting all references to the action having been vetoed by the Mayor, in concurrence with the opinion of the City Attorney, on file in the office of the City Clerk. Seconded.

Adopted upon a voice vote.

The minutes, as amended, were adopted upon a voice vote 5/16/2008. (See corrected publication at end of 5/16/2008 proceedings).

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 5/16/2008.

**PETITIONS AND COMMUNICATIONS**

**COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272760)

Academy of Holy Angels (6600 Nicollet Ave S, Richfield, MN): Preliminary & final approval to issue bonds for multi-purpose athletic facility.

WB Blue Goose Limited Partnership (re Blue Goose Apartments & Family Tree Cooperative, 1819 and 1825 S 5th St, 1815 S 6th St, 1818 S 7th St, 2601 S 6th St & 601, 723 and 725 - 26th Ave S): Final approval to issue bonds for construction & improvements to multi-family rental housing facilities.

17th Avenue Housing LLC (re University Episcopal Center Project, 331-17th Ave SE): Preliminary & final approval to issue bonds for acquisition, construction & equipping of building.

Old Third Avenue Townhomes Project: Conveyance & transfer of City-owned property at 836 Spring St NE to Mpls Public Housing Authority in exchange for conveyance & transfer of MPHA owned property at 929-3rd Ave NE.

Heritage Housing LLC (re Heritage Park Redevelopment Project-Phases 1 & 2): Fifth Amendment to Heritage Park Redevelopment Contract with Heritage Housing, LLC.

**COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS and W&M/BUDGET:**

FINANCE DEPARTMENT (272761)

Sale of Municipally Owned Parking Ramps: Update on disposition & distribution of proceeds.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272762)

Humboldt Greenway Redevelopment Project: Sixth Amendment to Redevelopment Contract between the City & Humboldt Greenway Development LLC & Third Amendment to Land Conveyance Agreement between the City & Hennepin County.

**HEALTH, ENERGY AND ENVIRONMENT:**

COORDINATOR (272763)

2008 Living Well Sustainability Report.

**HEALTH, ENERGY AND ENVIRONMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272764)

Minneapolis Disparities in Employment: Report and Establish Steering Committee.

REGULATORY SERVICES (272765)

Air Quality: Passage of Ordinances renaming Chapter 47 to Air Pollution; adopting the most current Minnesota State Rules; adding regulations for commercial and industrial spray painting and coffee roasters; identifying the Department of Regulatory Services as the enforcement authority; and adding violation text to include administrative fines; and Repealing Chapter 49.

**HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):**

REGULATORY SERVICES (272766)

Food Safety: Execute agreement with Minneapolis Public Schools to provide food inspection, training, sampling and other food protection activities.

**INTERGOVERNMENTAL RELATIONS:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272767)

Minneapolis Comprehensive Plan, The Mpls Plan for Sustainable Growth: Draft Update.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

INTERGOVERNMENTAL RELATIONS (272767.1)

Mortgage Fraud: Policy statement for inclusion in City's Agenda for 2008 Legislative Session.

Central Corridor Light Rail: Policy statement for including in City's Agenda for 2008 Legislative Session.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

POLICE DEPARTMENT (272768)

ShotSpotter: Update report for 2007 - 2008.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

BOARD OF ESTIMATE (272769)

Hennepin County Adult Detention Center: Receive & File report reviewing procedures and controls associated with jail billings to the City of Minneapolis; Rescind 1968 resolution relating to the consolidation of City-County jail facilities; Direct staff to negotiate an agreement with Hennepin County for payment of jail fees and processing fees, and as of July 1, 2008 to pay only those jail and processing fees for which a municipality is responsible.

LICENSES AND CONSUMER SERVICES (272770)

Gay 90's (400 Hennepin Av): Grant On-Sale Liquor Class A with Sunday Sales License, with conditions.

Karma (315 1st Av N): Grant On-Sale Liquor Class A with Sunday Sales License, with conditions.

Market Express (3159 Chicago Av): Grant Grocery and Tobacco Dealer Licenses, with conditions.

Element Nightclub (10 S 5th St): Grant On-Sale Liquor Class B with Sunday Sales License, with conditions.

One Stop & Gas (3333 Cedar Av): Grant Grocery, Gasoline Filling Station and Tobacco Dealer Licenses, with conditions.

LICENSES AND CONSUMER SERVICES (272771)

Hiawatha Tobacco (2740 Minnehaha Av): Deny renewal of Confectionery and Tobacco Dealer Licenses; Deem licensee ineligible to reapply for such licenses for two years; and Deny request for a stay of adverse license action, pending appeal.

LICENSES AND CONSUMER SERVICES (272772)

Licenses: Applications.

REGULATORY SERVICES (272773)

Property at 2635 12th Av S: Request to amend Council Action passed January 18, 2008 to allow demolition of property.

Idling: Ordinance adding a new Article II entitled Commercial Motor Vehicles, regulating motor vehicle idling not otherwise regulated pursuant to Article I.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

REGULATORY SERVICES (272774)

Low/No Heat in Rental Dwellings: Ordinance changing the mechanism for enforcing no or low heat in rental units from outside temperature to calendar dates; and Adopt amended schedule of civil fines for administrative offenses for certain violations of Title 12 relating to Housing.

**TAXES (BOARD OF EQUALIZATION) (See Rep):**

CITY CLERK (272775)

Board of Appeal and Equalization: 2008 Report.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (272776)

Sale of Right-of-Way at 825 7th St SE: Set public hearing.

Downtown Minneapolis Transportation Management Organization: 2007 activities.

South Willard and South Hay Resurfacing Projects: Reprogram to a later date.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (272777)

Bloomington Ave S and 20th Ave S Resurfacing Projects: Designate projects.

UPA Marquette & 2nd Ave Transit Project: Request State Aid variance.

2008 Minneapolis Stormwater Management Program & 2007 Activities: Adopt plan.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET:**

PUBLIC WORKS AND ENGINEERING (272778)

Minneapolis Refuse, Inc (MRI): Extend contract one year.

Bids: a) OP 6945, Bituminous Roadways, Inc., Midwest Asphalt Corporation, and Commercial Asphalt Company, for bituminous mixtures; and b) OP 6952, Electric Pump, Inc, for submersible mixers.

**WAYS AND MEANS BUDGET:**

ASSESSOR (272779)

Assessment and Property Tax Report.

ATTORNEY (272780)

Ethical Reporting Line Report.

Ethical Practices Board Appointment: Public hearing on Juan Vega.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272781)

Minneapolis Comprehensive Plan for Sustainable Growth Report.

**WAYS AND MEANS BUDGET (See Rep):**

ATTORNEY (272782)

Legal Settlements: a) Judy Mae Rye; and b) Zachary Herlofsky.

BUSINESS INFORMATION SERVICES (BIS) (272783)

Unisys Contract: Increase contract C-22831 for Computer-Aided Dispatch.

COMMUNICATIONS (272784)

June 2008 Utility Billing Insert: Resources for homeowners about foreclosures.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272785)

Youth Violence Prevention Blueprint for Action Program: Authorize grant to Department of Health and Family Services.

HUMAN RESOURCES (272786)

Minneapolis City Supervisors Association: Labor agreement.

**ZONING AND PLANNING (See Rep):**

PLANNING COMMISSION/DEPARTMENT (272787)

Appeal:

KK Corporation (3725-3729 29th Ave S): Appeal of conditions on a site plan review

Rezoning:

KK Corporation (3725-3729 29th Ave S)

Longfellow Station - Phase 1 A (3815 Hiawatha Ave)

Vacations:

KK Corporation (3725-3729 29th Ave S): Public alley

Catholic ElderCare Senior Housing (917-1001 2nd St NE): part of 10 Ave NE, 2nd St NE, & public alley  
Small Area Plan:  
Audobon Park Small Area Plan

**NEW BUSINESS (See Rep):**

CITY CLERK (272788)  
2008 Elections: Designation of polling places.  
Kids Voting Minneapolis: Endorsement and support.

**FILED:**

CHARTER COMMISSION (272789)  
Draft 10A Revised Charter: Source-to-successor comparison.  
HENNEPIN COUNTY (272790)  
Hennepin County Auditor, Notice of application for repurchase re to Arnulfo H. Loya & Alberta Calleha.  
MAYOR (272791)  
Civilian Police Review Authority Board Appointments: Veto of Council action 5/2/2008; Opinion of City Attorney deeming veto invalid.  
FREMONT DEVELOPMENT PARTNERS, LLC (272792)  
Permission to vacate alley vic of 28th St W betw Girard Ave S & Fremont Ave S.  
LORENCE, CAROLA. (272793)  
Permission to vacate right-of-way, 45th Street W Waveland Park.  
POWDERHORN RESIDENTS GROUP INC (272794)  
Permission to vacate easement, vic of Lake St E & 13th Avenue S;  
Permission to vacate easement of formerly vacated alley vic of Lake St E & 13th Ave S.

*The following reports were signed by Mayor Rybak on May 20, 2008, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

**The COMMUNITY DEVELOPMENT Committee submitted the following reports:**

**Comm Dev** – Your Committee, having under consideration the issuance of revenue bonds for the Academy of Holy Angels to finance the costs associated with a multi-purpose athletic facility at 6600 Nicollet Ave S, Richfield, MN, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1.5 million in 501(c)(3) Tax-exempt Revenue Bonds for said project.  
Adopted 5/16/2008.

Resolution 2008R-179, authorizing the issuance and sale of, and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the Educational Facilities Revenue Notes (Academy of Holy Angels Project), Series 2008, to be issued by the City of Minneapolis under Minnesota Statutes, Sections 469.152-469.165, to finance improvements to the educational facilities of the Academy of Holy Angels, a parochial high school at 6600 Nicollet Ave S, Richfield, MN, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-179**

**By Goodman**

**Authorizing the issuance and sale of, and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the Educational Facilities Revenue Notes (Academy of Holy Angels Project), Series 2008, to be issued by the City of Minneapolis under Minnesota Statutes, Sections 469.152-469.165, to finance improvements to the educational facilities of the Academy of Holy Angels, a parochial high school located in the City of Richfield.**

Resolved by the City Council of the City of Minneapolis:

**Section 1. Background**

1.01. Statutory Authorization. The City of Minneapolis (the "Issuer") is authorized by Minnesota Statutes, Sections 469.152 through 469.165, as amended (the "Act"), to issue revenue obligations to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of a "project," defined in the Act, in part, as any properties, real or personal, used or useful in connection with a revenue producing enterprise, whether or not operated for profit, and to pay, purchase or discharge all or any part of the outstanding indebtedness of a contracting party engaged in educational activities as an elementary, secondary or post-secondary school (as defined in the Act). Under Section 469.155, subdivision 9 of the Act, an issuer may enter into and perform contracts and agreements with other municipalities as the issuer may deem proper and feasible for the financing of a project, including an agreement whereby the issuer issues its revenue obligations in behalf of another municipality. Pursuant to Minnesota Statutes, Section 471.656, Subdivision 2(2), an issuer may issue obligations to finance the acquisition or improvement of real property located outside of its corporate boundaries for property constituting a single project located in a municipality if the governing body of the municipality consents, by resolution, to issuance of such obligations.

1.02. The Series 2008 Notes. Academy of Holy Angels, a Minnesota nonprofit corporation (the "Borrower"), currently owns and operates a high school (ninth through twelfth grade) in the City of Richfield. The Borrower has requested that the Issuer issue its Educational Facilities Revenue Notes (Academy of Holy Angels Project), Series 2008 (the "Notes"), in one or more series, in the original aggregate principal amount not to exceed \$1,500,000, and loan the proceeds derived from the sale of the Notes to the Borrower pursuant to the terms of a Loan Agreement, to be dated on or after May 1, 2008 (the "Loan Agreement"), between the Issuer and the Borrower. The proceeds of the loan will be applied to finance the following costs associated with a multi-purpose athletic facility to be owned and operated by the Borrower: (i) acquisition and installation of (a) a forced-air inflation blower/heating system; (b) approximately 80,000 square feet of monofilament artificial turf; and (c) air-supported seasonal fabric dome (the "Project"); and (ii) the costs of issuing the Notes. The Project is located at 6600 Nicollet Avenue South in the City of Richfield and is owned and operated by the Borrower. The Notes are proposed to be purchased by Wells Fargo Brokerage Services, LLC (the "Lender").

1.03. Cooperation Agreement. The City Council of the City of Richfield will conduct a public hearing on or after May 13, 2008 regarding the issuance of revenue obligations by the Issuer to finance the Project. Following the public hearing the City Council of the City of Richfield will consider a resolution approving the issuance of the Notes by the Issuer and authorizing the execution and delivery of a Cooperation Agreement, dated on or after May 1, 2008, between the Issuer and the City of Richfield (the "Cooperation Agreement") with respect to the Notes and the Project.

1.04. Tax-exempt Status of Borrower. The Borrower has represented to the Issuer that it is exempt from federal income taxation under Section 501(a) of the Internal Revenue Code of 1986, as amended (the "Code"), as a result of the application of Section 501(c)(3) of the Code.

1.05. Loan Repayments. The loan repayments to be made by the Borrower under the Loan Agreement will be fixed so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Notes when due. The Issuer will assign its rights to the basic payments and certain other rights under the Loan Agreement to the Lender pursuant to the terms of an Assignment of Loan



Agreement, to be dated on or after May 1, 2008 (the "Assignment of Loan Agreement"), between the Issuer, the Borrower and the Lender. The Borrower will secure its obligations to the Lender with a Security Agreement, to be dated on or after May 1, 2008 (the "Security Agreement").

1.06. Documents. Forms of the following documents have been submitted to the Issuer and are now on file with the Issuer: (i) the Notes; (ii) the Loan Agreement; (iii) the Assignment of Loan Agreement; (iv) the Security Agreement; and (v) the Cooperation Agreement.

1.07. Public Hearing. A notice of public hearing (the "Public Notice") was published in *Finance and Commerce*, the official newspaper and a newspaper of general circulation in the City of Minneapolis, and in the *Star Tribune*, a newspaper of general circulation in the City of Minneapolis, with respect to: (i) the required public hearing under Section 147(f) of the Code; (ii) the required hearing under Section 469.154, subdivision 4, of the Act; and (iii) approval of the issuance of the Notes. The Public Notice was published at least fourteen (14) days before a regularly-scheduled meeting of the Community Development Committee of the Minneapolis City Council conducted on Tuesday, May 6, 2008. On such date, the Community Development Committee conducted a public hearing at which a reasonable opportunity was provided for interested individuals to express their views, both orally and in writing, with respect to the proposed issuance of the Notes, and the location and nature of the Project.

## **Section 2. Issuance of the Notes**

2.01. Findings. The City Council hereby finds, determines, and declares that:

(a) The issuance and sale of the Notes, the execution and delivery by the Issuer of the Loan Agreement, the Assignment of Loan Agreement, and the Cooperation Agreement, and the performance of all covenants and agreements of the Issuer contained in the Loan Agreement, the Assignment of Loan Agreement, and the Cooperation Agreement are undertaken pursuant to the Act.

(b) The Project furthers the purposes stated in Section 469.152 of the Act and constitutes a "project," as defined in Section 469.153, subdivision 2(b) of the Act.

(c) The loan repayments to be made by the Borrower under the Loan Agreement are fixed to produce revenues sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Notes issued under this resolution when due, and the Loan Agreement also provides that the Borrower is required to pay all expenses of the operation and maintenance of the Project, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all lawfully imposed taxes and special assessments levied upon or with respect to the Project and payable during the term of the Loan Agreement.

(d) As provided in the Loan Agreement, the Notes shall not be payable from nor charged upon any funds other than the revenues pledged to their payment, nor shall the Issuer be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of the Notes shall ever have the right to compel any exercise by the Issuer of its taxing powers to pay any of the Notes or the interest or premium thereon, or to enforce payment thereof against any property of the Issuer except the interests of the Issuer in the Loan Agreement and the revenues and assets thereunder, which will be assigned to the Lender under the Assignment of Loan Agreement. The Notes shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the Issuer, except the interests of the Issuer in the Loan Agreement, and the revenues and assets thereunder, which will be assigned to the Lender under the Assignment of Loan Agreement. The Notes shall recite that the Notes are issued pursuant to the Act, and that the Notes, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Notes shall not constitute a debt of the Issuer within the meaning of any constitutional or statutory limitations.

2.02. Issuance and Sale of the Notes. The Issuer hereby authorizes the issuance of the Notes, in a principal amount, not to exceed \$1,500,000, in one or more series, in the form, and with the terms set forth in the form of the Notes now on file with the Issuer. The aggregate principal amount of the Notes, the interest rate of the Notes, the terms for adjustment of the interest rate on the Notes, the date of the documents referenced in this resolution and the Notes, and the terms of redemption of the Notes may be established or modified with the approval of the Issuer. The execution and delivery of the Notes shall be conclusive evidence that the Issuer has approved such terms as subsequently established or modified. The offer of the Lender to purchase the Notes at the price of par plus accrued interest, if any, to the date of delivery at the interest rate or rates specified in the Notes, is hereby accepted. Upon

approval of the Project by the Minnesota Department of Employment and Economic Development, the Finance Officer of the Issuer is authorized and directed to prepare and execute the Notes as prescribed in the Loan Agreement and the Notes shall be delivered to the Lender. The Finance Officer is hereby authorized to execute and deliver any agreements with any depository institution, including any representation letter or amendment to any existing representation letter, in the event the Issuer and the Lender elect to register the Notes in book-entry form.

2.03. Approval of Documents. The Loan Agreement, the Assignment of Loan Agreement, and the Cooperation Agreement are hereby approved in substantially the forms on file with the Issuer on the date hereof. The terms of the Loan Agreement, the Assignment of Loan Agreement, and the Cooperation Agreement may be established or modified with the approval of the Issuer. The execution and delivery of such documents shall be conclusive evidence that the Issuer has approved such terms as subsequently established or modified. The Finance Officer of the Issuer is authorized and directed to execute and deliver the Loan Agreement, the Assignment of Loan Agreement, and the Cooperation Agreement. Copies of all of the documents necessary to the transaction herein described shall be delivered, filed, and recorded as provided herein and in the Loan Agreement.

2.04. Certifications of the Issuer. The Finance Officer of the Issuer and other officers, employees, and agents of the Issuer are hereby authorized and directed to prepare and furnish to bond counsel and the Lender certified copies of all proceedings and records of the Issuer relating to the issuance of the Notes including a certification of this resolution. Such officers, employees, and agents are hereby authorized to execute and deliver, on behalf of the Issuer, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Lender, or other persons or entities in conjunction with the issuance of the Notes. Without imposing any limitation on the scope of the preceding sentence, such officers, employees, and agents are specifically authorized to execute and deliver one or more financing statements, a certificate relating to federal tax matters including matters relating to arbitrage and rebate certificate, a receipt for the proceeds derived from the sale of the Notes, an order as to the application of the proceeds of the Notes, a general certificate of the Issuer, and an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038 (Rev. September 2007).

2.05. Security for the Notes. The Issuer hereby authorizes the Borrower to provide such security for payment of its obligations under the Loan Agreement and for payment of the Notes, including the Security Agreement, as is agreed upon by the Borrower and the Lender and the Issuer hereby approves the execution and delivery of such security.

2.06. DEED Application. As required by the terms of Section 469.154 of the Act, the employees, officers, and agents of the Issuer are hereby authorized and directed to submit an application to the Minnesota Department of Employment and Economic Development for approval of the Project and the issuance of the Notes.

### **Section 3. Miscellaneous**

3.01. Agreements Binding. All agreements, covenants, and obligations of the Issuer contained in this resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the Issuer to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the Issuer and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the Issuer in that person's individual capacity. Neither the members of the City Council, nor any officer executing the Notes, shall be liable personally on the Notes or be subject to any personal liability or accountability by reason of the issuance of the Notes.

3.02. Rights Conferred. Except as herein otherwise expressly provided, nothing in this resolution or in the Loan Agreement, expressed or implied, is intended or shall be construed to confer upon any person, firm, or corporation other than the Issuer and the registered and beneficial owners of the Notes, any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision hereof or of the Loan Agreement or any provision thereof; this resolution, the Loan Agreement and all of their provisions being intended to be, and being for the sole and exclusive benefit of the Issuer and the registered and beneficial owners of the Notes issued under the provisions of this resolution and the Loan Agreement, and the Borrower to the extent expressly provided in the Loan Agreement.



3.03. **Validity.** In case any one or more of the provisions of this resolution, or of the documents mentioned herein, or of the Notes issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Notes, but this resolution, the aforementioned documents, and the Notes shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein. If for any reason the Finance Officer, or any other officers, employees, or agents of the Issuer authorized to execute certificates, instruments, or other written documents on behalf of the Issuer shall for any reason cease to be an officer, employee, or agent of the Issuer after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Finance Officer, or any other officers, employees, or agents of the Issuer authorized to execute certificates, instruments, or other written documents on behalf of the Issuer shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by such other officer of the Issuer as in the opinion of the City Attorney is authorized to sign such certificates, instruments, or other written documents.

3.04. **Reimbursement Resolution.** The United States Department of the Treasury has promulgated Treasury Regulations, Section 1.150-2 (the "Regulation"), governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse an issuer or a borrower from the issuer for project expenditures paid prior to the date of issuance of such tax-exempt bonds. The Regulation requires that the issuer adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulation also generally requires that the tax-exempt bonds be issued and the reimbursement allocation made from the proceeds of the tax-exempt bonds within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulation generally permits reimbursement of capital expenditures and costs of issuance of the tax-exempt bonds. A portion of the costs of the Project may be paid by the Borrower prior to the date of issuance of the Notes. In the event a portion of the Project is paid by the Borrower prior to the date of issuance of the Notes, the Issuer reasonably expects to reimburse the Borrower for such expenditures from the proceeds of the Notes after the date of issuance of the Notes. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Notes, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulation and also qualifying expenditures under the Act.

3.05. **Program Bonds.** The Notes are hereby designated as "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," as all defined in Resolution 88R-021 of the City of Minneapolis adopted January 29, 1988 and as amended by Resolution 97R-402 of the City of Minneapolis adopted December 12, 1997.

3.06. **Effective Date.** This resolution shall take effect and be in force from and after its approval and publication. Immediate publication of this resolution is hereby authorized.

Adopted 5/16/2008.

**Comm Dev**—Your Committee, having under consideration the issuance of revenue bonds on behalf of West Bank Blue Goose Limited Partnership for the Blue Goose Apartments and Family Tree Cooperative Project, to finance the acquisition and construction of improvements to multi-family rental housing facilities at 1819 and 1825 S 5th St, 1815 S 6th St, 1818 S 7th St, 2601 S 6th St & 601, 723 and 725 - 26th Ave S, now recommends passage of the accompanying resolution giving final approval to the issuance of up to \$3,300,000 Tax-exempt Multi-family Rental Housing Entitlement Revenue Bonds for said project.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency (MCDA) Board of Commissioners.

Adopted 5/16/2008.

Resolution 2008R-180, authorizing the issuance, sale, and delivery of its Multifamily Housing Revenue bonds (Blue Goose Project at 1819 and 1825 S 5th St, 1815 S 6th St, 1818 S 7th St, 2601 S 6th St & 601, 723 and 725 - 26th Ave S), Series 2008A and Series 2008B, payable solely from

revenues pledged pursuant to payment thereof; approving the form of and authorizing the execution and delivery of the bonds and related documents; providing for the security, rights and remedies with respect to the bonds; establishing compliance with certain reimbursement regulations under the internal Revenue Code of 1986, as amended; and granting approval for certain other actions with respect thereto, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-180**  
**By Goodman**

**Authorizing the issuance, sale, and delivery of its Multifamily Housing Revenue bonds (Blue Goose Project), Series 2008A and Series 2008B, payable solely from revenues pledged pursuant to payment thereof; approving the form of and authorizing the execution and delivery of the bonds and related documents; providing for the security, rights and remedies with respect to the bonds; establishing compliance with certain reimbursement regulations under the internal Revenue Code of 1986, as amended; and granting approval for certain other actions with respect thereto.**

Whereas, the City of Minneapolis (the "City"), is a municipal corporation and political subdivision duly organized and existing under its charter and the Constitution and laws of the State of Minnesota; and

Whereas, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), the City is authorized to carry out the public purposes described in the Act by issuing revenue bonds to finance the cost of acquiring and making improvements to multifamily housing developments located within the City; and

Whereas, in the issuance of the City's revenue bonds and in the making of a loan to finance a multifamily housing development the City may exercise, within its corporate limits, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, as amended, without limitation under the provisions of Minnesota Statutes, Chapter 475, as amended; and

Whereas, representatives of WB Blue Goose Limited Partnership, a Minnesota limited partnership (the "Borrower"), has requested that the City adopt a multifamily housing development program (the "Housing Program") to provide for the issuance of one or more series of tax-exempt multifamily housing revenue bonds in an aggregate principal amount not to exceed approximately \$3,300,000 for the purpose of loaning the proceeds thereof to the Borrower to finance the acquisition and construction of improvements by the Borrower to multifamily rental housing facilities consisting of a building located at 1819 South Fifth Street with fourteen (14) apartment units, a building located at 1825 South Fifth Street with sixteen (16) apartment units, a single family home located at 1815 South Sixth Street, a single family home located at 1818 South Seventh Street, a fourplex building with two apartment units located at 2601 South Sixth Street and two apartment units located at 601 26th Avenue South, and a duplex located at 723 26th Avenue South and 725 26th Avenue South, all located in the City (the "Project"); and

Whereas, the Project is designed and intended to be used primarily for rental to and occupancy by persons and families of low and moderate income; and

Whereas, pursuant to the Act, the Community Development Committee of the City Council of the City conducted a duly noticed public hearing on January 16, 2007, regarding the Housing Program related to the Project; and

Whereas, the Housing Program was submitted to the Metropolitan Council for its review and comment in accordance with the requirements of the Act; and

Whereas, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the Community Development Committee of the City Council of the City conducted a duly noticed public hearing on May 6, 2008, regarding the proposed issuance of the housing revenue bonds, in an aggregate principal amount not to exceed \$3,300,000; and

Whereas, the Borrower has requested that the City issue, sell, and deliver its Multifamily Housing Revenue Bonds (Blue Goose Project), Series 2008A, in an original aggregate principal amount not to exceed \$650,000 (the "Series 2008A Bonds") and its Multifamily Housing Revenue Bonds (Blue Goose Project), Series 2008B (the "Series 2008B Bonds," and collectively with the Series 2008B Bonds, the "Bonds"), in the original aggregate principal amount not to exceed \$2,650,000; and

Whereas, it is proposed that the Bonds be sold to U.S. Bank National Association (the "Lender") and the proceeds derived from the sale of the Bonds be loaned by the City to the Borrower pursuant to the terms of a Loan Agreement, to be dated on or after June 1, 2008 (the "Loan Agreement"), between the City and the Borrower pursuant to which the Borrower will promise to make loan repayments sufficient to pay the principal of, premium, if any, and the interest due on the Bonds when due; and

Whereas, the Borrower will apply the proceeds of the Bonds to finance the costs of the Project, as well as the costs of issuance and certain other costs associated with the issuance of the Bonds; and

Whereas, it is further proposed that the City assign its rights to loan repayments and certain other rights under the Loan Agreement (except for the City's rights to certain fee payments, indemnification, and rights to reimbursement of certain expenses) to the Lender as security for payment of the Bonds pursuant to a Pledge Agreement, to be dated on or after June 1, 2008 (the "Pledge Agreement"), between the City and the Lender; and

Whereas, as further security for loan repayments, the Borrower will execute a Combination Mortgage, Security Agreement, Assignment of Rents and Leases and Fixture Financing Statement, to be dated on or after June 1, 2008 (the "Mortgage"), for the benefit of the City and the City will assign its interests in the Mortgage to the Lender pursuant to an Assignment of Combination Mortgage, Security Agreement, Assignment of Rents and Leases and Fixture Financing Statement, to be dated on or after June 1, 2008 (the "Assignment of Mortgage"); and

Whereas, the City and the Minneapolis Community Development Agency (the "MCDA") currently hold title to portions of the land upon which the Project is located and have conveyed certain leasehold interests in the land to the current owners of the Project with the understanding that title to such land will pass to the owners of the Project when the leases terminate; and

Whereas, the City and the MCDA will join in the Mortgage or will execute a separate mortgage, in either case for the sole purpose of subjecting to the lien of the Mortgage or such separate mortgage their fee interests in the land upon which the Project is located, with the understanding that neither the City nor the MCDA shall have any liability under the Mortgage or such separate mortgage except to allow the Lender to acquire the land in the event of foreclosure of the Mortgage or such other mortgage and with the further understanding that the Lender will provide the City and the MCDA with a cure period before any foreclosure; and

Whereas, the Bonds: (i) shall be payable solely from the revenues and security pledged therefor; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Project and the Loan Agreement; and (v) shall not constitute a general or moral obligation of the City

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. The City acknowledges, finds, determines, and declares that the issuance of the Bonds is authorized by the Act and is consistent with the purposes of the Act and that the issuance of the Bonds, and the other actions of the City under the Loan Agreement, Pledge Agreement, the Regulatory Agreement (as defined herein), the Mortgage, the Assignment of Mortgage, and this resolution constitute a public purpose and are in the best interests of the City. In authorizing the issuance of the Bonds for the financing of the Project and the related costs, the City's purpose is and the effect thereof will be to promote the public welfare of the City and its residents by providing multifamily housing developments for low income residents of the City and otherwise furthering the purposes and policies of the Act.

2. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Series 2008A Bonds in one or more series in the maximum aggregate principal amount not to exceed \$650,000. The Series 2008A Bonds shall bear interest at the rates, shall be designated, shall

be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the Loan Agreement, in the form now on file with the City, with the amendments referenced herein. The City hereby authorizes the Series 2008A Bonds to be issued, in whole or in part, as "tax-exempt bonds," the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes.

All of the provisions of the Series 2008A Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Series 2008A Bonds shall be substantially in the forms in the Loan Agreement on file with the City, which forms are hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Series 2008A Bonds and the stated maturities of the Series 2008A Bonds, the interest rates on the Series 2008A Bonds, and the terms of redemption of the Series 2008A Bonds) as the City Finance Officer (the "Finance Officer"), in his discretion, shall determine. The execution of the Series 2008A Bonds with the manual or facsimile signature of the Finance Officer and the delivery of the Series 2008A Bonds by the City shall be conclusive evidence of such determination.

3. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Series 2008B Bonds in one or more series in the maximum aggregate principal amount not to exceed \$2,650,000. The Series 2008B Bonds shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the Loan Agreement, in the form now on file with the City, with the amendments referenced herein. The City hereby authorizes the Series 2008B Bonds to be issued, in whole or in part, as "tax-exempt bonds," the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes.

All of the provisions of the Series 2008B Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Series 2008B Bonds shall be substantially in the forms in the Loan Agreement on file with the City, which forms are hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Series 2008B Bonds and the stated maturities of the Series 2008B Bonds, the interest rates on the Series 2008B Bonds, and the terms of redemption of the Series 2008B Bonds) as the Finance Officer, in his discretion, shall determine. The execution of the Series 2008B Bonds with the manual or facsimile signature of the Finance Officer and the delivery of the Series 2008B Bonds by the City shall be conclusive evidence of such determination.

4. The City Council of the City hereby authorizes and directs the Finance Officer to execute the Loan Agreement, and hereby authorizes and directs the execution of the Bonds in accordance with the terms of the Loan Agreement, and hereby provides that the Loan Agreement shall provide the terms and conditions, covenants, rights, obligations, duties, and agreements of the owners of the Bonds, the City, the Borrower, and the Lender, as owner of the Bonds, as set forth therein.

All of the provisions of the Loan Agreement, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreement shall be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations, omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

5. To ensure compliance with certain rental and occupancy restrictions imposed by the City's Affordable Housing Policy, the Act and Section 142(d) of the Code, the City shall enter into a Regulatory Agreement, to be dated on or after June 1, 2008 (the "Regulatory Agreement"), between the City, the Borrower, and the Lender. All of the provisions of the Regulatory Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution



and delivery thereof. The Regulatory Agreement shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

6. The Finance Officer is hereby authorized and directed to execute and deliver the Pledge Agreement, the Regulatory Agreement, the Mortgage (and, if necessary, a separate mortgage relating to the City's and MCDA's interests in the land upon which the Project is located), and the Assignment of Mortgage. All of the provisions of the Pledge Agreement, the Regulatory Agreement, the Mortgage, and the Assignment of Mortgage, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Pledge Agreement, the Regulatory Agreement, the Mortgage, and the Assignment of Mortgage shall be substantially in the forms on file with the City which are hereby approved, with such omissions and insertions as do not materially change the substance thereof, and as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

7. The Bonds shall be special, limited revenue obligations of the City, the proceeds of which shall be disbursed pursuant to the terms of the Loan Agreement, and the principal, premium, and interest on the Bonds shall be payable solely from the proceeds of the Bonds and the revenues derived from the Loan Agreement.

8. The United States Department of the Treasury has promulgated Treasury Regulation, Section 1.150-2 (the "Regulation") governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City or a borrower from the City for project expenditures paid prior to the date of issuance of such bonds. The Regulation requires that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulation also generally requires that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulation generally permits reimbursement of capital expenditures and costs of issuance of the bonds.

The City expects that a portion of the costs of the Project will be expended prior to the date of issuance of the Bonds. The City reasonably expects to reimburse the Borrower for such expenditures from the proceeds of the Bonds after the date of issuance of the Bonds. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulation and also qualifying expenditures under the Act.

Based on representations by the Borrower, other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under prior regulations pursuant to the transitional provision contained in Section 1.150-2(j)(2)(i)(B) of the Regulation, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulation, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulation), no expenditures with respect to the Project to be reimbursed from the proceeds of the Bonds have been made by the Borrower more than sixty (60) days before the date of adoption of this resolution.

Based on representations by the Borrower, as of the date hereof, there are no funds of the Borrower reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project to be financed from proceeds of the Bonds, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Borrower as they exist or are reasonably foreseeable on the date hereof.

9. The Finance Officer is hereby authorized to execute and deliver, on behalf of the City, such other documents as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including a Certificate of the City, an Endorsement to the Borrower's Tax Certificate, an Information Return for Tax-Exempt Private Activity Bond Issues, IRS Form 8038, with respect to the



Bonds, and all other documents and certificates as shall be necessary and appropriate in connection with the issuance, sale, and delivery of the Bonds. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel of the City, to prepare, execute, and deliver its approving legal opinions with respect to the Bonds.

10. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the City or the City Council by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City Council, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City Council of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council of the City nor any officer or employee executing the Bonds shall be personally liable on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant or agreement contained in the aforementioned documents, the Bonds, or in any other document relating to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreement which are to be applied to the payment of the Bonds, as provided therein.

11. Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied is intended or shall be construed to confer upon any person or firm or corporation, other than the City and any holder of the Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, and any holder from time to time of the Bonds issued under the provisions of this resolution.

12. In case any one or more of the provisions of this resolution (other than the provisions contained in Section 7) or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

13. The Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

14. The officers of the City, bond counsel, other attorneys, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, the Bonds for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the aforementioned documents, and this resolution. If for any reason the Finance Officer is unable to execute and deliver the documents referred to in this Resolution, such documents may be executed by any member of the City Council or any officer of the City delegated the duties of the Finance Officer with the same force and effect as if such documents were executed and delivered by the Finance Officer.

15. The Borrower will pay the administrative fees of the City and pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the Bonds, whether or not the Bonds are issued, including any costs for attorneys' fees.

16. This Resolution shall be in full force and effect from and after its approval and publication.

Adopted 5/16/2008.

**Comm Dev**—Your Committee, having under consideration the issuance of revenue bonds on behalf of 17th Avenue Housing LLC to finance the acquisition, construction and equipping of the University Episcopal Center Project at 331 - 17th Ave SE, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1,060,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency (MCDA) Revenue Bonds, Series 2008, for said project.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Adopted 5/16/2008.

Resolution 2008R-181, approving the issuance of Revenue Refunding Bonds (University Episcopal Center Project), Series 2008, to be issued by the Minneapolis Community Development Agency under Minnesota Statutes, Sections 469.152-469.165, as amended, to refinance the acquisition, construction, and equipping of a portion of a building located at 331 17th Ave SE, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-181**  
**By Goodman**

**Approving the issuance of Revenue Refunding Bonds (University Episcopal Center Project), Series 2008, to be issued by the Minneapolis Community Development Agency under Minnesota Statutes, Sections 469.152-469.165, as amended, to refinance the acquisition, construction, and equipping of a portion of a building located at 331 17th Avenue SE in the City of Minneapolis.**

Whereas, the Minneapolis Community Development Agency (the "Issuer") is authorized by Minnesota Statutes, Sections 469.152 through 469.165, as amended (the "Act"), to issue revenue obligations to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of a "project," defined in the Act, in part, as any properties, real or personal, used or useful in connection with a revenue producing enterprise, whether or not operated for profit, to be owned by a contracting party (as defined in the Act); and

Whereas, the University Episcopal Center, a Minnesota nonprofit corporation (the "Borrower"), owns land located at 331 17th Avenue SE in Minneapolis, Minnesota, 55414, which it ground leased to 17th Avenue Housing LLC, a Minnesota limited liability company, of which J.A. Wedum Foundation, a Minnesota nonprofit corporation, is the sole member. 17th Avenue Housing LLC built a five-story apartment building (the "Building") on the land it leased from the Borrower and subleased 10,000 square feet of the ground floor of that building to the Borrower (the "Project"). The Borrower paid for the construction and equipping of the Project with financing obtained from a commercial bank (the "Prior Bank Loan"). The Borrower has subsequently subleased the Project to the Office of International Programs of the University of Minnesota, which uses the Project for office space; and

Whereas, the Borrower has requested that the Issuer issue its Revenue Refunding Bonds (University Episcopal Center Project), Series 2008 (the "Bonds"), in the original aggregate principal amount not to exceed \$1,060,000, and loan the proceeds derived from the sale of the Bonds to the Borrower pursuant to the terms of a Loan Agreement, to be dated on or after June 1, 2008 (the "Loan Agreement"), between the Issuer and the Borrower. The proceeds of the loan will be applied to the refinancing of the Prior Bank Loan. The Bonds are proposed to be purchased by Park Midway Bank, a Minnesota corporation (the "Lender"); and

Whereas, following a duly noticed public hearing held on May 6, 2008, the Board of Commissioners of the MCDA adopted a resolution on May 16, 2008, providing its approval for the issuance of the Bonds in an aggregate principal amount not to exceed \$1,060,000; and

Whereas, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and the Treasury Regulations promulgated thereunder, the City Council must approve the issuance of such Bonds;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

The issuance of the Bonds in an aggregate principal amount not to exceed \$1,060,000 by the Minneapolis Community Development Agency is hereby approved.

Adopted 5/16/2008.

**Comm Dev** - Your Committee, having under consideration land assembly for the Old Third Avenue Townhomes Project, now recommends approval of the conveyance and transfer of a portion of City-owned real property at 836 Spring St NE to the Minneapolis Public Housing Authority in exchange for the conveyance and transfer of a portion of MPHA-owned real property at 929 - 3rd Ave NE, by passage of the accompanying resolution authorizing the land exchange.

Adopted 5/16/2008.

Resolution 2008R-182, authorizing the Land Exchange, Exchange Parcels A & B at 836 Spring St NE and 929 - 3rd Ave NE, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-182**

**By Goodman**

**Authorizing the Land Exchange, Exchange Parcels A & B at 836 Spring St NE and 929 - 3rd Ave NE.**

Whereas, the City of Minneapolis, hereinafter known as the City, owns a partial interest of 836 Spring Street NE, Exchange Parcel B; and

Whereas, Minneapolis Public Housing Authority, hereinafter known as MPHA, owns a partial interest of 929 3rd Avenue NE, Exchange Parcel A; and

Whereas, the City intends to exchange and to convey its partial interest in Parcel B to MPHA; and

Whereas, MPHA intends to exchange and to convey its partial interest in Parcel A to the City;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to execute a Quit Claim Deed and related documents for the exchange of its interest in Parcel B legally described as Parcel B; 836 Spring St NE (partial interest): Lot 1, Block 1, Clare Estates.

Be It Further Resolved that MPHA has agreed to execute a Quit Claim Deed and related documents for the exchange of its interest in Parcel A legally described as Parcel A; 929 3rd Ave NE (partial interest): Lot 3, Block 1, Clare Estates.

Adopted 5/16/2008.

**Comm Dev** - Your Committee, having under consideration the Heritage Park Project and the Community Planning & Economic Development staff recommendation to approve a Fifth Amendment to the Heritage Park Redevelopment Contract, Phases 1 and 2, with Heritage Housing, LLC, relating to 1) decreasing the total number of ownership units from 174 to 169; 2) extending the completion timeframes for development from 12/31/2008 to 6/1/2010; and 3) extending the development of the triangle parcel located north of 11th Ave N and east of Van White Memorial Blvd to April, 2010, as outlined in the staff report, now recommends that the proper City officers be authorized to execute said amendment.

Adopted 5/16/2008.

**The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following report:**

**Comm Dev & W&M/Budget** - Your Committee, having under consideration Humboldt Greenway Redevelopment project and lot acquisition, now recommends that the proper City officers be authorized to a) negotiate and execute the Sixth Amendment to the Redevelopment Contract between the City and Humboldt Greenway Development LLC and to expend up to \$240,000 of funds from the Housing Program Fund to reacquire 98 parcels in the Humboldt Greenway; and b) negotiate and execute a Third Amendment to the Land Conveyance Agreement between the City and Hennepin County, as detailed in the Department of Community Planning & Economic Development (CPED) staff report.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation in CPED by \$240,000 to fund acquisition of land.

Adopted 5/16/2008.

**RESOLUTION 2008R-183  
By Goodman and Ostrow**

**Amending the 2008 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Housing Program Fund (01SHP-89000220) by \$240,000.

Adopted 5/16/2008.

**The HEALTH, ENERGY & ENVIRONMENT Committee submitted the following reports:**

**HE&E** – Your Committee, to whom was referred ordinances amending Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection*, now recommends that said ordinances be given their second reading for amendment and passage:

- a. amending Chapter 47 relating to *Minneapolis Air Quality Management Authority* by
    1. renaming the Chapter to *Air Pollution*;
    2. adopting the most current Minnesota State Rules and removing definitions and sections that are included in State Rules;
    3. adding regulations for commercial and industrial spray painting;
    4. adding regulations for coffee roasters;
    5. identifying the Department of Regulatory Services as the enforcement authority;
    6. adding violation text to include administrative fines.
  - b. repealing Chapter 49 relating to *Air Pollution and Environmental Protection: Abrasive Blasting*.
- Adopted 5/16/2008.

Ordinance 2008-Or-037 amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Air Quality Management Authority*, amending Sections 47.10; 47.20; 47.30; 47.40; 47.50; 47.60; 47.70; 47.80; 47.90; 47.100; 47.110; 47.115; 47.120; 47.130; 47.140; 47.150; 47.160; 47.170; 47.180; 47.190; 47.200; 47.210; 47.220; 47.230; 47.240; 47.250; 47.260; 47.270; 47.280; 47.290; 47.300; and 47.310 to rename Chapter 47 to *Air Pollution*; adopt the most current Minnesota State Rules and remove definitions and sections that are included in State Rules; add regulations for commercial and industrial spray painting; add regulations for coffee roasters; identify the Department of Regulatory Services as the enforcement authority; and add violation text to include administrative fines, was adopted 5/16/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2008-Or-037**  
**By Benson**  
**Intro & 1st Reading: 4/4/2008**  
**Ref to: HE&E**  
**2nd Reading: 5/16/2008**

**Amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Air Quality Management Authority.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Title of Chapter 47 of the Minneapolis Code of Ordinances be amended to read as follows:

**CHAPTER 47. MINNEAPOLIS AIR QUALITY MANAGEMENT AUTHORITY**

**AIR POLLUTION**

Section 2. That Section 47.10 of the above-entitled ordinance be amended to read as follows:

**47.10. Definitions.** For the purposes of this chapter, the terms defined in this section shall have the following meanings: all other definitions are adopted under Minnesota Rules (2008):

~~*Abatement:* Any set of measures designed to lower, depreciate, reduce, or eliminate air contaminants.~~

~~*Abrasive blasting:* Any surface preparation using sand, grit, water, or other abrasive medium applied under pressure supplied by air, water, or other pressurized fluid.~~

~~*Air contaminant:* Any fume, odor, smoke, particulate matter of any size, vapor, gas, or any combination thereof but not including water vapor or steam condensate.~~

~~*Air pollution:* The presence in the outdoor atmosphere of one (1) or more air contaminants.~~

~~*Annealer:* Equipment used for heating and gradually cooling metals or glass usually to render them less brittle.~~

~~*Air pollution emitter:* Any person or facility that operates or permits the operation of any equipment or participates in any process that through any means results in the release of any air contaminant to the atmosphere.~~

~~*Ambient air:* That portion of the atmosphere, external to buildings, to which the general public has access.~~

~~*Atmosphere:* The air that envelopes or surrounds the earth.~~

~~*Btu:* British thermal units. The quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.~~

~~*Bag filter:* An apparatus for removing dust from dust-laden air, employing cylinders of closely woven material that permit passage of air but retain solid particles.~~

~~*Breakdown:* Any failure of air pollution control equipment or process equipment, or the failure of a process to operate in a normal or usual manner; however, such failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable improper function or preventable equipment failure shall not be considered a breakdown.~~

~~*CAS:* Chemical abstracts service.~~

~~*CFM:* The volumetric flow rate of a liquid or gas in cubic feet per minute.~~

~~*Catalytic combustor:* Any equipment involved in a process that converts the incompletely burned hydrocarbons present in fuel exhaust into less harmful gases by using chemical agents that speed up reactions.~~

~~*Coating system:* Equipment used in applying a metallic coat to an object by dipping the object into molten metal.~~

~~*Commercial:* Pertaining to business especially involving the sale of goods and secured transactions; done with a profit motive.~~

~~*Compactor:* Equipment used in a commercial or industrial capacity that expels gas from a mass to achieve a high density.~~



*Construction:* The fabrication, erection, or installation of an emission facility, emissions unit, or stationary source.

*Criteria pollutants:* Those pollutants for which national ambient air standards have been established pursuant to the Federal Clean Air Act as amended, i.e., particulate matter, sulfur dioxide, nitrogen oxides, ozone, carbon monoxide, and lead.

*Cupola:* A cylindrical vertical furnace for melting metal or glass by having the charge come in contact with hot fuel.

*Cyclone:* Any of various centrifugal devices for separating particulate matter from gasses.

*Degreaser:* A tank with a solvent at the bottom used in a commercial or industrial capacity for removing grease, oil, or other such impurities from objects.

*Delivery vessel:* A vessel that stores and transports gasoline for delivery to a gasoline filling station.

*Dryer:* A vessel in which water or moisture is removed from coal. This definition shall include but not be limited to the following: McNally-Vissac dryer, multilouvre dryer, Raymond flash dryer, cascade coal dryer, flash coal dryer, and fluidized bed dryer.

*Dust collector:* Mechanical devices designed to remove particulate matter from process, ventilation, and outside air as well as to recover resources from manufacturing process and that is not covered by section 47.60 47.50 of this chapter.

*Dwelling:* A building or portion thereof designed or used exclusively for human habitation, including single-family, two-family, and multiple-family dwellings, but not including hotels, motels, or rooming houses.

*Dwelling unit:* One or more rooms which are arranged, designed, or used as living quarters for one family only.

*Emergency generator:* An internal combustion engine used solely as a source of standby power when normal power service fails.

*Emission or emit:* To discharge, release, or to permit or cause the discharge or release of one (1) or more air contaminants into the atmosphere.

*Engine:* Any internal combustion machine, such as found in motor vehicles, aircraft, locomotives and stationary power units, which utilizes gas or liquid fuel for combustion energy.

*Fly ash:* A by-product of coal-fired powerplants.

*Fly ash collector:* Any equipment used to separate fly ash from gas(es) and that is not covered by equipment referenced by section 47.60 47.50 of this chapter.

*Fuel:* Any combustible substance or material or any combination of such.

*Fuel burning equipment:* Any furnace, boiler apparatus, stack, or appurtenance thereto used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

*Gas:* An aeroform fluid having neither independent shape nor volume by tending to expand indefinitely.

*Gasoline:* A petroleum or a petroleum-based substance that is motor gasoline, or any grade of gasohol, and is typically used in the operation of a motor engine, excluding, aviation gasoline, No. 1 or 2 diesel fuel.

*Gasoline filling station:* A business engaged in the dispensing, handling or sale of gasoline or other fuels to the public.

*Gasoline storage tank:* A permanent vessel for storing gasoline at a gasoline filling station for the purpose of dispensing, handling or sale of gasoline.

*HAP:* Hazardous air pollutant. Any air pollutant listed pursuant to section 47.270.

*Hazardous waste:*

(a) Any refuse, sludge, or other waste material or combinations of refuse, sludge, or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

(b) Categories of hazardous waste materials include, but are not limited to: explosives, flammable, oxidizers, poisons, irritants, and corrosives.

*HVAC*: Heating, ventilation, and air conditioning.

*Heat treat oven*: A chamber in which substances or objects other than food are artificially heated for the purposes of baking, roasting, annealing, etc.

*Kitchen exhaust system*: Any commercial or industrial kitchen exhaust system.

*Incinerator*: Any device used to burn solid or liquid residues or wastes as a method of disposal. In some incinerators, provisions are made for recovering the heat produced.

*Internal combustion engine*: An engine that burns fuel within itself as a means of developing power. This definition does not include motor vehicles as defined by the State of Minnesota in Minnesota Statute (1998 2007) Section 168.011, Subd. (4).

*Ladle*: A vessel used in the transfer and transport of molten metal, glass, matte, or slag usually in a smelter or foundry.

*Lint collector*: Any equipment used in a commercial or industrial process to remove lint or other such fibrous material from gas(es) and that is not otherwise referenced by section 47.60 47.50 of this chapter.

~~*Mobile source*: Any source of air contaminants not specifically defined as stationary source; includes but is not limited to automobiles, buses, and locomotives.~~

~~*Modification*: Any physical change or change in the method of any equipment or process.~~

~~*Nonresidential*: That which is not defined by "residential" as defined in this section.~~

*Oil fired forge*: An open fireplace, furnace, or hearth that is fueled by oil and is usually equipped with forced draft.

*Opacity*: The degree to which an air contaminant emission obscures the view of a trained observer expressed in percentage of the obstruction or the degree (percentage) to which transmittance of light is reduced by an air contaminant emission.

*Oven*: A chamber in which substances other than food are artificially heated for the purposes of baking, roasting, annealing, etc.

~~*Paint booth*: A partially or fully enclosed area used as a place to apply paint to surfaces.~~

*Particulate matter*: Any material, except unconfined water, that exists in a finely divided form as a liquid or solid.

~~*Permitted facility*: Any facility required by the Minnesota State Pollution Control Agency to report its emissions under Minnesota Rules (1997).~~

*Plating equipment*: Equipment that deposits a metal or an alloy onto a substrate by means of electric current or by means of chemical reaction.

*Pollution control device*: Any structure, work, equipment, machinery, device, apparatus, or other means for treatment of an air contaminant or combination thereof to prevent, abate, or control air pollution.

*Person*: Any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, or owner.

*Premises*: Any building, structure, land, utility or portion thereof, including all appurtenances, and shall include yards, lots, courts, and properties without buildings whether any of the aforementioned be owned, rented, or leased.

*Process*: Any individual action, operation or treatment involving chemical, industrial or manufacturing factors and all other methods or forms of manufacturing or processing that may emit air contaminants.

*Reconstruction*: Replacement of depreciable components of an existing emissions unit to which a New Source Performance Standard or state air pollution control rule is applicable, to the extent that the fixed capital cost of the depreciable components exceeds fifty (50) percent of the fixed capital cost of depreciable components that would be required to construct a comparable entirely new emissions unit.

~~*Registration*: The process and any documents associated with the process or requirements described in section 47.50.~~

~~*Refuse*: Any combustible material including, but not limited to, trash, rubbish, garbage, paper, painted wood, and debris of all kinds.~~

*Residential*: Any building or property that is designated by the City of Minneapolis Zoning Code as permitting dwellings.

*Salt or cyanide pot*: A container for salt or cyanide.

*Scrubber*: Equipment used in a commercial or industrial process to remove impurities, such as odors and particulate matter, from gas(es) and that is not otherwise referenced by section 47.60 47.50 of this Code.

*Shot blast*: Cleaning surface of metal by air blast, using metal, plastic, or ceramic shot as an abrasive.

*Simultaneous fueling location*: The location at which a fueling device delivers or dispenses fuel to a single vehicle.

*Smoke*: Airborne carbon or ash or other combustion by-products resulting from combustion or other like operations in sufficient quantity to be observable.

*Sonic cleaner*: Equipment that uses sound waves to clean surfaces.

*Stage I vapor recovery system*: The control or management of hydrocarbons, volatile organic compound vapors and other gases during the transfer of gasoline from the delivery vessel to the gasoline filling station's gasoline storage tanks.

*Stage II vapor recovery*: The control or management of hydrocarbon and volatile compound vapors and gases during the transfer of gasoline from the gasoline filling station's gasoline storage tank to the vehicle's gasoline tank.

*Stationary source*: An assemblage of all emissions units and emission facilities that belong to the same industrial grouping, are located at one or more contiguous or adjacent properties and are under the control of the same person (or persons under common control). Emissions units or emission facilities must be considered as part of the same industrial grouping if they belong to the same "major group" (that is, which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (United States Government Printing Office Stock Numbers 4101 to 0066 and 003-005-00176-0, respectively).

*TRI facility*: Any facility that is required to report its pollutant emissions to the Federal Government under Title III of the 1986 Superfund Amendments and Reauthorization Act (SARA), otherwise referred to as the Emergency Planning and Community Right-to-Know Act.

*Tumbler*: Equipment used in a commercial or industrial process that utilizes plastic, steel, or ceramic compounds to polish or otherwise finish metal.

*Vapor recovery equipment for gasoline filling stations*: All equipment that is part of the vapor recovery system used by a gasoline filling station to collect and manage gasoline vapors generated from refueling vehicle gasoline tanks, gasoline storage tanks and portable fuel containers including, but not limited to, dispensing equipment, couplers, fittings, processors, control boards, gauges, and monitors.

*Vapor recovery system*: A vapor gathering system capable of collecting and managing hydrocarbon and volatile organic compound (VOC) vapors and gases so as to prevent the vapors and gases from being emitted into the ambient air or atmosphere. The system's tank gauging and sampling devices are gas-tight except when gauging or sampling is taking place. A vapor recovery system may include stage I or stage II vapor recovery.

Section 3. That Section 47.20 of the above-entitled ordinance be amended to read as follows:

**47.20. State standards and regulations.** (a) *Adopted*. There is hereby adopted as an ordinance of the city, Minnesota Rules (1997), Chapters 7005, 7007, 7009, 7011, 7017, 7019, 7023, 7025, and 7027 filed with the secretary of the state. Unless more restrictive provisions are specifically provided for in other sections in this code of ordinances, Minnesota Rules (2008), Chapters 7005, 7007, 7009, 7011, 7017, 7019, 7023, 7025, 7027, and as amended from time to time, are adopted as an ordinance of the City, except that fee impositions different than those in the Minnesota Rules may be provided or modified by ordinance. Whenever the word "agency" or "Minnesota Pollution Control Agency" is used in the rules, it shall be held to mean the City of Minneapolis. Whenever the word "commissioner" is used in the rules, it shall be held to mean the assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent.

(b) *Regulations on file*. Three (3) copies of such rules marked "Official Copy" shall be filed in the office of the city clerk and remain on file in said office for use and examination by the public. The clerk shall furnish copies of said rules at cost to any person upon request. The official version of such Minnesota Rules will be filed with the Minnesota Secretary of State and can be accessed by any means required or allowed by the Minnesota Secretary of State. A copy of the Minnesota Rules, which could be slightly outdated at times, can be obtained through the Minnesota Office of the Revisor of Statutes.

(c) *Definitions.* Whenever the word “agency” or “Minnesota Pollution Control Agency” is used in the rules, it shall be held to mean the City of Minneapolis. Wherever the word “commissioner” is used in the rules, it shall be held to mean the assistant city coordinator of regulatory services or the assistant city coordinator’s authorized agent.

Section 4. That Section 47.30 of the above-entitled ordinance be and is hereby repealed.

**~~47.30. Minneapolis Air Quality Management Authority.~~** The Minneapolis Air Quality Management Authority shall have full jurisdiction to regulate and control atmospheric pollution as now or hereafter provided in Title 3, Chapter 47 of the Minneapolis Code of Ordinances. The Minneapolis Air Quality Management Authority shall be located within the environmental services section of the licensing division in the department of regulatory services and shall be under the supervision of the director of licensing. The director of licensing shall designate the technical, professional, and support staff that shall constitute the Minneapolis Air Quality Management Authority.

Section 5. That Section 47.40 of the above-entitled ordinance be amended to read as follows:

**~~47.40~~ 47.30. Duties of Minneapolis Air Quality Management Authority Enforcement.** The responsibility for the administration and enforcement of the air pollution control ordinances of the City of Minneapolis this code and Minnesota Rules referenced in section 47.20 shall reside in the Minneapolis Air Quality Management Authority Department of Regulatory Services. Administration and enforcement shall include the following duties:

- (1) Investigation of air quality complaints, the observation of air quality conditions, and ~~taking the necessary and proper steps~~ enforcement actions to protect and improve the air resource.
- (2) Issuance of permits, certificates, and notices under this chapter. The keeping of copies of applications, plans, permits, and certificates, records of violations, complaints and other records on file.
- (3) Examination of the plans for all new buildings pertinent to the operation of fuel burning equipment or pollution control devices and for the alteration of all existing buildings or equipment in order to assure that they are in accordance with the rules and regulations established in this chapter.
- (4) Examination of the application and plans for the construction, installation or alteration of any fuel burning equipment, pollution control device, or any equipment pertaining thereto and if found to meet the requirements of the rules and regulations, to approve the same.
- (5) Inspection of all fuel burning, process and pollution control equipment under the jurisdiction of this chapter and when found to comply with its provisions, the issuance of a registration.
- (6) Publication and dissemination of information on methods of air pollution reduction.
- (7) Enlistment of the cooperation of civic or technical, scientific, and educational organizations.
- (8) ~~The power~~ authority to require the production of records of or relating to registered any systems or equipment that impact air quality conditions, including but not limited to, fuel burning, process, pollution control equipment, continuous and periodic monitoring records, and other records pertaining to emissions.
- (9) ~~The power to require the production of records of or relating to a facility and its equipment whose emissions are a threat to human health; whether or not that facility’s equipment is registered with the City of Minneapolis.~~

Section 6. That Section 47.50 of the above-entitled ordinance be amended to read as follows:

**~~47.50~~ 47.40. Registration required Pollution Control Annual Billing (PCAB) registration.** (a) ~~No~~ The owner or site operator of land, buildings, or structures shall install, construct, alter, or place in operation any: the equipment or items listed in this section shall register such equipment or items annually with the assistant city coordinator of regulatory services or the assistant city coordinator’s authorized agent. The owner or site operator shall also remit an annual registration fee, per site, in an amount as provided in the License and Annual Billing Fees Schedule. Such equipment or items may not be operated without proper registration as outlined in this section. The site operator or their agent, by submission and payment, confirm that the equipment or item has been inspected, maintained and is functioning satisfactorily. The annual fee shall be due and payable on November 1 of each year. If registration is not received or postmarked on or before November 1 of each year, the applicant shall pay applicable late fees provided for such registration. Each day of failure to maintain or obtain registration may constitute a separate violation of this code.



- (1) Interior oil, stoker, or hand fired fuel burning equipment or combination of fuel burning equipment with an input capacity exceeding four hundred thousand (400,000) Btu per hour;
  - (2) Commercial exhaust system with a discharge greater than five hundred (500) CFM;
  - (3) Annealer, atmosphere burner, cupola, bag filter, cyclone, dust collector, fly ash collector, scrubber, lint collector, waste oil burner, boiler, burner, kitchen exhaust system, waste generator, emergency generator, tumbler, make-up air heater, air handling equipment over five (5) horsepower, internal combustion engine, oil fired forge, oven, room heater or combination of room heaters totaling four hundred thousand (400,000) Btu, food or other process equipment, incinerator, dryer, heat treat oven, ladle, salt or cyanide pot, batch plant, shot blast, rotary press, compactor, coating system, degreaser, paint booth, plating equipment, sonic cleaner, reactor, catalytic combustor, or laminator;
  - (4) Roof or ground mounted commercial HVAC equipment;
  - (5) Commercial coffee roaster;
  - (6) Stage I vapor recovery system or other pollution control device(s) in or on any building, equipment, or premises; without first having registered the equipment and having paid the fees therefore as set forth in section 47.70; or
  - (7) Crematorium.
- (b) Each day of work of such construction, installation, or alteration in violation of this chapter shall constitute a separate offense. Equipment and items to be registered. The following equipment or items must be registered and comply with the provisions in this section before they may be operated in the City of Minneapolis:

- (1) Interior oil, stoker, or hand fired fuel burning equipment or combination of fuel burning equipment with an input capacity exceeding four hundred thousand (400,000) Btu per hour;
  - (2) Commercial exhaust system with a discharge greater than five hundred (500) CFM;
  - (3) Annealer, atmosphere burner, cupola, bag filter, cyclone, dust collector, fly ash collector, scrubber, lint collector, waste oil burner, boiler, burner, kitchen exhaust system, waste generator, emergency generator, tumbler, make-up air heater, air handling equipment over five (5) horsepower, internal combustion engine, oil fired forge, oven, room heater or combination of room heaters totaling four hundred thousand (400,000) Btu, food or other process equipment, incinerator, dryer, heat treat oven, ladle, salt or cyanide pot, batch plant, shot blast, rotary press, compactor, coating system, degreaser, paint booth, plating equipment, sonic cleaner, reactor, catalytic combustor, or laminator;
  - (4) Roof or ground mounted commercial HVAC equipment;
  - (5) Commercial coffee roaster;
  - (6) Stage I vapor recovery system or other pollution control device(s) in or on any building, equipment, or premises; or
  - (7) Crematorium.
- (c) Exemption. Residential buildings and properties which have three (3) dwelling units or less are exempt from the provisions of this section. Posting of registration; failure to have registration. Proof of registration for registered equipment must be posted in public view within the building for which the unit(s) are registered. For the purposes of this section "public view within the building" means the customer area of a business or the communal area of a residential structure, if such areas exist, or if such areas do not exist, then in an area that is readily accessible to members of the public using the building. If it is not possible to post proof registration, a sign must be posted that contains the name and valid phone number of a person or persons who can produce proof of such registration upon request. The proof of registration must still be kept within the building for which the unit(s) are registered. Failure to possess a proof of registration is a separate violation of this Code.

Section 7. That Section 47.60 of the above-entitled ordinance be amended to read as follows:

**47.60 47.50. Registration exemptions.** The following types of facilities, equipment and processes are exempt from the registration requirement:

- (1) Heating equipment located in multiple dwellings containing not more than four (4) dwelling units. Residential buildings and properties which have three (3) dwelling units or less.
- (2) Brazing, soldering, or welding equipment and control equipment and venting exclusively for such equipment.



- (3) Kilns used exclusively for firing ceramic ware except those fired by fuel oil.
- (4) A portable emissions unit for which a written permit is required.
- (5) Vacuum cleaning systems used exclusively for household, commercial, or industrial housekeeping.
- (6) Laundry dryers, extractors or tumblers used for fabrics cleaned only with water solutions of bleach or detergent.

Section 8. That Section 47.70 of the above-entitled ordinance be and is hereby repealed.

**47.70. Annual registration fees for equipment.** The fees for the annual registration required by section 47.50 of this chapter shall be as established in Appendix J.

Section 9. That Section 47.80 of the above-entitled ordinance be and is hereby repealed.

**47.80. When annual registration must be filed.** Registration of equipment or devices as noted in section 47.50 of this chapter must be made on or before December 31 of each year. If registration is not postmarked or received on or before December 31 of each year, the applicant must pay double the fees herein provided for such registration.

Section 10. That Section 47.90 of the above-entitled ordinance be and is hereby repealed.

**47.90. Posting of registration; failure to have registration.** (a) Proof of registration for registered equipment must be posted in public view within the building for which the unit(s) are registered within ten (10) days after receipt of the proof of registration. For the purposes of this paragraph "public view within the building" means the customer area of a business or the communal area of a residential structure, if such areas exist, or if such areas do not exist, then in an area that is readily accessible to members of the public using the building.

(b) If it is not possible to post proof of registration for fear of vandalism, a sign must be posted within ten (10) days after receipt of the proof of registration that contains the name and valid phone number of a person or persons who can produce proof of such registration upon request. The proof of registration must still be kept within the building for which the unit(s) are registered.

(c) Failure to possess a proof of registration as provided in sections 47.50—47.90 is a separate violation of this Code.

Section 11. That Section 47.100 of the above-entitled ordinance be amended to read as follows:

**47.100 47.60. Emission reporting.** When requested by the Minneapolis Air Quality Management Authority Department of Regulatory Services, an air pollution emitter must furnish information to locate and classify air contaminant sources according to the type, level, duration, frequency, and other information as may be necessary to evaluate the source's effect on air quality and compliance with emission regulations, including the methods, practices and controls utilized by the emitter to reduce or eliminate emissions of hazardous air pollutants as defined in section 47.270 by Minnesota Rules.

Section 12. That Section 47.110 of the above-entitled ordinance be amended to read as follows:

**47.110 47.70. Emission testing.** (a) The Minneapolis Air Quality Management Authority Department of Regulatory Services or its authorized agents are hereby authorized to conduct or may cause to be conducted any test or tests as may be necessary to determine the extent of emissions from any equipment, process, or device whenever agents have a reasonable suspicion that this ordinance, state law, or federal law is being broken or human, animal, or plant life is in danger.

(b) The results of any such testing shall be made available to the person owning, operating, or in charge of such equipment.

(c) The Minneapolis Air Quality Management Authority Department of Regulatory Services or its authorized agents shall have the authority to order the owner, operator, or person in charge of any equipment, process, or device that is a violation of Chapter 47 of the Minneapolis Code of Ordinances to abate the any violation.

(d) If such testing establishes a violation the violator shall be responsible for all costs incurred by the City associated with the analysis and sample collection.

Section 13. That Section 47.115 of the above-entitled ordinance be amended to read as follows:

**47.115 47.80. Limit on increases in mercury air emissions from stationary sources.** No stationary source required to register under section 47.50 47.40 shall increase annual emissions of mercury or mercury compounds to the air or water. Air emission increases that are both less than two (2) pounds per year and less than twenty (20) percent of annual emissions from the stationary source shall be considered de minimis emissions for purposes of this section and shall not constitute a

violation of this section. Stationary sources emitting mercury shall report their 2006 base year mercury emissions to the Minneapolis Air Quality Management Authority Department of Regulatory Services upon request pursuant to section ~~47.100~~ 47.60 and shall report mercury emissions annually thereafter upon request. This section shall not apply to any stationary source in existence as of January 1, 2006 for which the operators have entered into an approved agreement with the Minnesota Pollution Control Agency, the Public Utilities Commission or the Environmental Protection Agency providing for an elimination of emissions of mercury, provided that such agreement is abided by and fulfilled. Furthermore, any stationary source in existence as of January 1, 2006 will be seen to be in full compliance with this section if it ~~fully utilizes Maximum Achievable Control Technology to treat emissions and installs and utilizes a Continuous Emissions Monitoring system within one (1) year of the approval of such a system by the Minnesota Pollution Control Agency, within one (1) year of approval by the Minnesota Pollution Control Agency, Maximum Achievable Control Technology and a Continuous Emissions Monitoring system is installed and utilized.~~

Section 14. That Section 47.120 of the above-entitled ordinance be amended to read as follows:

**47.120 47.90. Inspections authorized; orders requiring compliance.** Equipment having a capacity of four hundred thousand (400,000) Btu input per hour, any dust collector, or any commercial coffee roaster to determine whether or not a registration, as required by sections 47.50—47.90, has been filed with environmental management if there exists reasonable suspicion that registration has not been filed: The Department of Regulatory Services is authorized to inspect businesses, properties, equipment and records to determine if Pollution Control Annual Billing registrations must be filed, pursuant to section 47.40, if there exists reasonable suspicion that registration is required and has not been filed. Environmental management and authorized agents are also The Department of Regulatory Services is authorized to inspect such equipment to verify that the equipment can be operated within the provisions of Chapter 47 of the City Code of Ordinances. If at the time of any inspection it is found that the equipment is in such condition that it cannot be operated within the provisions of this chapter, environmental management or authorized agents the Department of Regulatory Services shall give notice, in writing, to the person owning, operating or in charge of such equipment of the defects found. Environmental management or authorized agents and shall give an order to correct, repair, or replace the defective equipment. Failure to comply with this order within thirty (30) days from its date shall constitute a violation of this chapter.

Section 15. That Section 47.130 of the above-entitled ordinance be and is hereby repealed.

**47.130. Exemptions to shutdowns and breakdowns.** Any facility that experiences a shutdown or a breakdown is exempt from the provisions of this chapter that address emissions except as provided in sections 47.140 and 47.150.

Section 16. That Section 47.140 of the above-entitled ordinance be and is hereby repealed.

**47.140. Shutdowns and breakdowns.** (a) *Shutdown.* The owner, operator, or person in charge of an emission facility shall notify environmental management at least twenty-four (24) hours in advance of a shutdown of any control equipment or process equipment if the shutdown would cause an increase in the emissions of any regulated air pollutant unless such an increase in emissions is otherwise authorized by a permit issued by the Minnesota Pollution Control Agency or the Minnesota Department of Natural Resources.

(b) *Breakdown.* The owner or operator of an emission facility shall notify environmental management immediately of a breakdown of more than one hour duration of any control equipment or process equipment if the breakdown would cause an increase in the emissions of any regulated air pollutant unless such an increase in emissions is otherwise authorized by a permit issued by the Minnesota Pollution Control Agency or the Minnesota Department of Natural Resources. At the time of the notification, or as soon thereafter as possible, but no later than ten (10) calendar days after the breakdown, the owner or operator shall also notify environmental management of the cause of the breakdown and the estimated duration. The owner or operator shall notify environmental management when the breakdown is over.

(c) *Monitoring equipment.* The owner or operator of a continuous monitoring system or monitoring device shall notify environmental management immediately of any breakdown or malfunction of such system or device.

Section 17. That Section 47.150 of the above-entitled ordinance be and is hereby repealed.

**47.150. Exceptions to the exemptions regarding shutdowns and breakdowns.** In no event shall any occurrence be deemed a breakdown or other emergency situation covered by section 47.140 when such an occurrence:

- (1) Is the foreseeable result of neglect or of the willful disregard of any applicable air pollution laws, rules or regulations;
- (2) Is the result of an intentional or negligent act or omission on the part of the owner or operator; or
- (3) Results from the neglect or willful failure to properly maintain equipment.

Section 18. That Section 47.160 of the above-entitled ordinance be amended to read as follows:

**47.160 47.100. Refusing environmental management Department of Regulatory Services personnel or authorized agents lawful entry; right to enter.** No person shall in any manner hinder, obstruct, delay, resist, prevent, or in any way interfere or attempt to interfere with the Minneapolis Air Quality Management Authority or any environmental management personnel or authorized agents engaging in the performance of any such duty herein enjoined by refusing to permit such inspectors to perform their duty or refusing them or any of them lawful entrance to the premises during reasonable hours. It is unlawful to:

- (1) obstruct, delay, resist, prevent, or interfere with the investigative, enforcement or inspection activities, or any other duties outlined in this section, of the Department of Regulatory Services or its authorized agents; or
- (2) to refuse the Department of Regulatory Services or its agents lawful entrance to the premises.

Section 19. That Section 47.170 of the above-entitled ordinance be and is hereby repealed.

**47.170. Persons liable for violations.** Any person who: operates any equipment that is in violation of this chapter; is in charge or control of any equipment which is operated in violation of this chapter; or who shall cause, permit, or in any way participate in the operation of any equipment in violation of any of the provisions of this chapter or in violation of orders issued pursuant to this chapter shall be guilty of a violation of this chapter with penalties as prescribed in section 1.30(a) of this Code.

Section 20. That Section 47.180 of the above-entitled ordinance be and is hereby repealed.

**47.180. Coordination of departments.** No permit for the erection, installation, construction or alteration of any building, plant or structure related in any manner to fuel burning or air pollution control equipment shall be issued by any department until:

- (1) Environmental management has issued a registration permit covering the equipment;
- (2) Minneapolis Air Quality Management Authority has concluded that the plans submitted will permit the installation of facilities adequate for compliance with the provisions of this chapter.

Section 21. That Section 47.190 of the above-entitled ordinance be amended to read as follows:

**47.190 47.110. Public nuisance prohibition and abatement.** (a) It shall constitute a public nuisance and be unlawful for any person to make, continue, permit, or cause to be emitted into the open air any dust, gasses, fumes, vapors, smokes and/or odors with objectionable properties and in such quantities as would be likely to cause discomfort or annoyance to a reasonable person of normal sensibilities that does one or more of the following:

- (1) Injures or are sufficient to injure the health or safety of any person or the public;
- (2) Creates an obnoxious odor in the atmosphere;
- (3) Causes damage to property;
- (4) Creates a nuisance or hazard by obscuring vision; or
- (5) Produces a deleterious effect upon trees, plants or other forms of vegetation.

(b) Characteristics and conditions which shall be considered in determining whether an emission is discomforting, annoying, objectionable, obnoxious, or excessive for the purposes of paragraph (a) of this section shall include, but not be limited to the following:

- (1) Proximity of the emission to the nearest point of habitation;
- (2) Duration of the emission;
- (3) Whether the emission is recurrent, intermittent, or constant;
- (4) Whether or not emission abatement measures are possible and whether or not they are used to reduce the emission; or

- (5) The quality or state of the ambient air.

(c) Any emission of smoke, particulate matter, or other matter from any source in excess of the limitation established in or pursuant to ~~sections 47.170, 47.200, 47.220, 47.230, or 47.250 of this chapter shall be deemed and is hereby declared to be a public nuisance and may be abated by the Minneapolis Air Quality Management Authority~~ Department of Regulatory Services. Such abatement shall be in addition to all other remedies provided by law or equity.

Section 22. That Section 47.200 of the above-entitled ordinance be amended to read as follows:

**~~47.200~~ 47.120. Open burning.** (a) *Prohibition on burning.* No person shall intentionally burn refuse for the purpose of disposal within the city nor shall any person in any way cause or ~~in any way~~ participate in the burning of such refuse within the city.

(b) *Prohibition on permitting burning.* No person shall permit, ~~allow, suffer, or in any way acquiesce in~~ nor allow the burning of refuse for the purpose of disposal on property owned or ~~in any way~~ controlled by such person within the city. For the purpose of this section a property is owned or controlled by a person who has legal ownership of the property, has equitable ownership of the property, has a leasehold interest in the property, occupies a dwelling unit on the property, occupies a business on the property, or has a legal right to occupy the property.

(c) No person shall permit, ~~allow, suffer, or in any way acquiesce in~~ nor allow the burning of wood that has been painted, preserved, or chemically treated in any manner for recreational purposes or in order to produce heat or light.

Section 23. That Section 47.210 of the above-entitled ordinance be amended to read as follows:

**~~47.210~~ 47.130. Stack height.** (a) All newly constructed stacks or chimneys serving one ~~(1)~~ or more nonresidential establishments shall extend at least ten (10) feet above the highest point of any roof within a radius of fifty (50) feet of the chimney. Any existing stack, chimney or vent is required to comply with the minimum requirements of this chapter.

(b) *Exemptions.* Such chimney height requirements may be waived by the ~~Minneapolis Air Quality Management Authority~~ Department of Regulatory Services if:

- (1) Special abatement equipment is installed that controls emissions in such a way that those emissions are in compliance with the provisions of this chapter;
- (2) ~~Minneapolis Air Quality Management Authority~~ The Department of Regulatory Services approves other means that ensure that emissions are in compliance with the provisions of this chapter; or
- (3) ~~Minneapolis Air Quality Management Authority~~ The Department of Regulatory Services determines that such stack height requirements are not necessary to meet the minimum emissions standards of this chapter.

Section 24. That Section 47.220 of the above-entitled ordinance be and is hereby repealed.

**~~47.220. Control of particulate releases to the atmosphere.~~** (a) ~~No person shall use any parking lot; automobile, truck, or other vehicle sales lot; or, other parcel of real property or a portion thereof for a roadway, sales area, business area, or vehicle storage area, or cause or permit the same to be so used unless such parking lot; automobile, truck, or vehicle sales lot, or other parcel or real property, or portion thereof which is so used, is covered or treated with an asphalt surface, concrete surface, or other hard surface otherwise permitted by this Code and state law or a reasonably equivalent surface which is designed and maintained in such a manner so as to prevent air pollution caused by surface material becoming airborne and/or crossing property boundaries. (See section 47.220(e))~~

(b) ~~No person shall cause or permit the handling, loading, unloading, reloading, storing, transferring, placing, depositing, throwing, discarding, or scattering of any ashes, fly ash, cinders, slag, or dust collected from combustion, or any dust, dirt, chaff, wastepaper, trash, rubbish, waste, or refuse matter of any kind, or any other substance or material whatever, including sandblasting materials, likely to be scattered by the wind, susceptible to being airborne, and/or crossing property boundaries without taking reasonable precautions or measures so as to minimize air pollution.~~

(c) ~~No person shall operate or maintain or cause to be operated or maintained any building, structure or premises, open area, right-of-way, storage pile of materials, yard, vessel or vehicle or construction, sandblasting, alteration, building, demolition or wrecking operation or any other enterprise which has or involves any matter, material or substance likely to be scattered by the wind, susceptible to being airborne, and/or crossing property boundaries without taking reasonable precautions or measures so as to minimize atmospheric pollution.~~



(d) Such precautions or measures shall include but are not limited to:

- (1) Application of dust-free surfaces.
- (2) Application of water.
- (3) Planting and maintaining vegetative ground cover.
- (4) Utilizing dust collection equipment.
- (5) Covering materials during transport, construction, modification, dismantling, and/or storage.
- (6) Modifying speed.
- (7) Modifying operations.
- (8) Ceasing operations.
- (9) Adopting different processes.
- (10) Testing of painted or exterior coated surfaces for the presence of lead by a licensed lead inspector from lead hazard control as designated by Minneapolis Air Quality Management prior to sandblasting, demolition, wrecking, or other similar activity.

(e) *Exemption.* Residential buildings and properties, which have three (3) dwelling units or less, are exempt from the provisions of section 47.220(a).

Section 25. That Section 47.230 of the above-entitled ordinance be and is hereby repealed.

**47.230. Mobile source emission restrictions.** (a) No person shall cause or permit the emission of visible air contaminants from a motor vehicle, other than one powered by a diesel cycle engine, for more than ten (10) consecutive seconds. No person shall cause or permit the emission of visible air contaminants from a motor vehicle powered by a diesel cycle engine:

- (1) In excess of twenty (20) percent opacity for more than twenty (20) consecutive seconds if the engine was manufactured prior to January 1, 1973; or
  - (2) In excess of ten (10) percent opacity for more than twenty (20) consecutive seconds if the engine was manufactured after January 1, 1973.
- (b) It shall be unlawful for any person to misrepresent or give any false or inaccurate information or in any other way attempt to deceive a licensed repair garage or the City of Minneapolis in order to avoid compliance with the provisions of this section.
- (c) It shall be unlawful for any licensed repair garage or its agents or misrepresent any fact, falsely certify any repair, or in any other way attempt to mislead the City of Minneapolis into believing that air pollution standards are being met.

Section 26. That Section 47.240 of the above-entitled ordinance be amended to read as follows:

**47.240 47.140. Abrasive blasting permit required.** No person shall abrasively blast any building, structure, or other architectural surface without having first received a permit from the Minneapolis Air Quality Management Authority Department of Regulatory Services. Permit costs shall be as established in the director's fee schedule pursuant to section 91.70.

- (1) Applications for abrasive blasting permits shall be in such form as prescribed by ~~environmental services~~ the Department of Regulatory Services. Every application for a permit to abrasively blast a building, structure, or architectural surface four (4) stories in height or less shall be accompanied by a sworn statement that the applicant will notify at least forty-eight (48) hours prior to the commencement of any abrasive blasting all the occupants of every residential building of less than ten (10) dwelling units and the owners, managing agent, or occupants of every residential building of ten (10) or more dwelling units and every nonresidential structure located within a seventy-five (75) foot radius of the surface to be sandblasted. With respect to surfaces more than four (4) stories in height, environmental management, giving due consideration to the public interest, shall determine the radius of the notice. This notification shall be in writing and shall be by mail or electronic mail and shall include the following information:
  - a. Return address from the applicants last known permanent address.
  - b. Address of the location to be abrasively blasted.
  - c. The estimated date(s) of the abrasive blasting operations.
  - d. The estimated time period of the entire abrasive blasting operation.



- e. The type of blasting material, and material to be abrasively blasted, including lead and all material considered a hazardous waste under Minnesota Rules (1997), Chapters 7045 and 7046.
- f. Analytical results of testing for material to be abrasively blasted for lead content. If results are not submitted with application the permit will not be issued until the city has tested material. The city has up to five (5) days to conduct this testing.
- (2) Rescheduling abrasive blasting operation. In the event the applicant cannot perform the abrasive blasting on the estimated date(s) contained in the application or within seventy-two (72) hours thereafter the applicant shall notify environmental services and the owners of the property or occupants twenty-four (24) hours prior to the commencement of the rescheduled abrasive blasting operation.
- (3) All required testing shall be performed by qualified staff from lead hazard control as designated by Minneapolis Air Quality Management the Department of Regulatory Services.

Section 27. That Section 47.250 of the above-entitled ordinance be amended to read as follows:

**47-250 47.150. Odor.** Odors shall be deemed unlawful if one (1) or more air contaminants migrate from the premises from which it originated for a period exceeding thirty (30) minutes' duration and interferes with the reasonable and comfortable use and enjoyment of property.

Section 28. That Section 47.260 of the above-entitled ordinance be and is hereby repealed.

**47-260. Variations between city, state, and federal rules.** In the event that a provision of this chapter and federal or state statutes or regulations apply to the same subject, the most stringent statute, regulation, ordinance, or part thereof shall apply.

Section 29. That Section 47.270 of the above-entitled ordinance be and is hereby repealed.

**47-270. Hazardous Air Pollutants (HAPs).** For the purposes of this chapter the following are hazardous air pollutants (HAPs):

TABLE INSET:

| CAS Number | Chemical Name                             |
|------------|---|
| 75070      | Acetaldehyde                              |
| 60355      | Acetamide                                 |
| 75058      | Acetonitrile                              |
| 98862      | Acetophenone                              |
| 53963      | 2-Acetylaminofluorene                     |
| 107028     | Acrolein                                  |
| 79061      | Acrylamide                                |
| 79107      | Acrylic acid                              |
| 107131     | Acrylonitrile                             |
| 107051     | Allyl chloride                            |
| 92671      | 4-Aminobiphenyl                           |
| 62533      | Aniline                                   |
| 90040      | o-Anisidine                               |
| 1332214    | Asbestos                                  |
| 71432      | Benzene (including benzene from gasoline) |
| 92875      | Benzidine                                 |
| 98077      | Benzotrichloride                          |
| 100447     | Benzyl chloride                           |
| 92524      | Biphenyl                                  |
| 117817     | Bis(2-ethylhexyl)phthalate (DEHP)         |
| 542881     | Bis(chloromethyl)ether                    |
| 75252      | Bromoform                                 |
| 106990     | 1,3-Butadiene                             |
| 156627     | Calcium cyanamide                         |
| 105602     | Caprolactam                               |
| 133062     | Captan                                    |
| 63252      | Carbaryl                                  |
| 75150      | Carbon disulfide                          |

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| 56235   | Carbon tetrachloride                           |
| 463581  | Carbonyl sulfide                               |
| 120809  | Catechol                                       |
| 133904  | Chloramben                                     |
| 57749   | Chlordane                                      |
| 7782505 | Chlorine                                       |
| 79118   | Chloroacetic acid                              |
| 532274  | 2-Chloroacetophenone                           |
| 108907  | Chlorobenzene                                  |
| 510156  | Chlorobenzilate                                |
| 67663   | Chloroform                                     |
| 107302  | Chloromethyl methyl ether                      |
| 126998  | Chloroprene                                    |
| 1319773 | Cresols/Cresylic acid (isomers and mixture)    |
| 95487   | o-Cresol                                       |
| 108394  | m-Cresol                                       |
| 106445  | p-Cresol                                       |
| 98828   | Cumene   |
| 94757   | 2,4-D, salts and esters                        |
| 3547044 | DDE  |
| 334883  | Diazomethane                                   |
| 132649  | Dibenzofurans                                  |
| 96128   | 1,2-Dibromo-3-chloropropane                    |
| 84742   | Dibutylphthalate                               |
| 106467  | 1,4-Dichlorobenzene(p)                         |
| 91941   | 3,3-Dichlorobenzidine                          |
| 111444  | Dichloroethyl ether (Bis(2-chloroethyl) ether) |
| 542756  | 1,3-Dichloropropene                            |
| 62737   | Dichlorvos                                     |
| 111422  | Diethanolamine                                 |
| 121697  | N,N-Diethyl aniline (N,N-Dimethylaniline)      |
| 64675   | Diethyl sulfate                                |
| 119904  | 3,3-Dimethoxybenzidine                         |
| 60117   | Dimethyl aminoazobenzene                       |
| 119937  | 3,3-Dimethylbenzidine                          |
| 79447   | Dimethyl carbamoyl chloride                    |
| 68122   | Dimethyl formamide                             |
| 57147   | 1,1-Dimethylhydrazine                          |
| 131113  | Dimethylphthalate                              |
| 77781   | Dimethyl sulfate                               |
| 534521  | 4,6-Dinitro-o-cresol, and salts                |
| 51285   | 2,4-Dinitrophenol                              |
| 121142  | 2,4-Dinitrotoluene                             |
| 123911  | 1,4-Dioxane (1,4-Diethyleneoxide)              |
| 122667  | 1,2-Diphenylhydrazine                          |
| 106898  | Epichlorohydrin (1-Chloro-2,3-epoxypropane)    |
| 106887  | 1,2-Epoxybutane                                |
| 140885  | Ethyl acrylate                                 |
| 100414  | Ethyl benzene                                  |
| 51796   | Ethyl carbamate (Urethane)                     |
| 75003   | Ethyl chloride (Chloroethane)                  |
| 106934  | Ethylene dibromide (Dibromoethane)             |
| 107062  | Ethylene dichloride (1,2-Dichloroethane)       |
| 107211  | Ethylene glycol                                |

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| 151564  | Ethylene imine (Aziridine)                 |
| 75218   | Ethylene oxide                             |
| 96457   | Ethylene thiourea                          |
| 75343   | Ethylidene dichloride (1,1-Dichloroethane) |
| 50000   | Formaldehyde                               |
| 76448   | Heptachlor                                 |
| 118741  | Hexachlorobenzene                          |
| 87683   | Hexachlorobutadiene                        |
| 77474   | Hexachlorocyclopentadiene                  |
| 67721   | Hexachloroethane                           |
| 822060  | Hexamethylene-1,6-diisocyanate             |
| 680319  | Hexamethylphosphoramide                    |
| 110543  | Hexane                                     |
| 302012  | Hydrazine                                  |
| 7647010 | Hydrochloric acid                          |
| 7664393 | Hydrogen fluoride (Hydrofluoric acid)      |
| 7783064 | Hydrogen sulfide                           |
| 123319  | Hydroquinone                               |
| 78591   | Isophorone                                 |
| 58899   | Lindane (all isomers)                      |
| 108316  | Maleic anhydride                           |
| 67561   | Methanol                                   |
| 72435   | Methoxychlor                               |
| 74839   | Methyl bromide (Bromomethane)              |
| 74873   | Methyl chloride (Chloromethane)            |
| 71556   | Methyl chloroform (1,1,1-Trichloroethane)  |
| 78933   | Methyl ethyl ketone (2-Butanone)           |
| 74884   | Methyl iodide (Iodomethane)                |
| 108101  | Methyl isobutyl ketone (Hexone)            |
| 624839  | Methyl isocyanate                          |
| 80626   | Methyl methacrylate                        |
| 1634044 | Methyl tert butyl ether                    |
| 101144  | 4,4-Methylene bis(2-chloroaniline)         |
| 75092   | Methylene chloride (Dichloromethane)       |
| 101688  | Methylene diphenyl diisocyanate (MDI)      |
| 101779  | 4,4-Methylenedianiline                     |
| 91203   | Naphthalene                                |
| 98953   | Nitrobenzene                               |
| 92933   | 4-Nitrobiphenyl                            |
| 100027  | 4-Nitrophenol                              |
| 79469   | 2-Nitropropane                             |
| 684935  | N-Nitroso-N-methylurea                     |
| 62759   | N-Nitrosodimethylamine                     |
| 59892   | N-Nitrosomorpholine                        |
| 56382   | Parathion                                  |
| 82688   | Pentachloronitrobenzene (Quintobenzene)    |
| 87865   | Pentachlorophenol                          |
| 108952  | Phenol                                     |
| 106503  | p-Phenylenediamine                         |
| 75445   | Phosgene                                   |
| 7803512 | Phosphine                                  |
| 7723140 | Phosphorus                                 |
| 85449   | Phthalic anhydride                         |
| 1336363 | Polychlorinated biphenyls (Aroclors)       |

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| 1120714 | 1,3-Propane sultone                          |
| 57578   | beta-Propiolactone                           |
| 123386  | Propionaldehyde                              |
| 114261  | Propoxur (Baygon)                            |
| 78875   | Propylene dichloride (1,2-Dichloropropane)   |
| 75569   | Propylene oxide                              |
| 75558   | 1,2-Propylenimine (2-Methylaziridine)        |
| 91225   | Quinoline                                    |
| 106514  | Quinone                                      |
| 100425  | Styrene                                      |
| 96093   | Styrene oxide                                |
| 1746016 | 2,3,7,8-Tetrachlorodibenzo-p-dioxin          |
| 79345   | 1,1,2,2-Tetrachloroethane                    |
| 127184  | Tetrachloroethylene (Perchloroethylene)      |
| 7550450 | Titanium tetrachloride                       |
| 108883  | Toluene                                      |
| 95807   | 2,4-Toluene diamine                          |
| 584849  | 2,4-Toluene diisocyanate                     |
| 95534   | o-Toluidine                                  |
| 8001352 | Toxaphene (chlorinated camphene)             |
| 120821  | 1,2,4-Trichlorobenzene                       |
| 79005   | 1,1,2-Trichloroethane                        |
| 79016   | Trichloroethylene                            |
| 95954   | 2,4,5-Trichlorophenol                        |
| 88062   | 2,4,6-Trichlorophenol                        |
| 121448  | Triethylamine                                |
| 1582098 | Trifluralin                                  |
| 540841  | 2,2,4-Trimethylpentane                       |
| 108054  | Vinyl acetate                                |
| 593602  | Vinyl bromide                                |
| 75014   | Vinyl chloride                               |
| 75354   | Vinylidene chloride (1,1-Dichloroethylene)   |
| 1330207 | Xylenes (isomers and mixture)                |
| 95476   | o-Xylenes                                    |
| 108383  | m-Xylenes                                    |
| 10642   | p-Xylenes                                    |
| 0       | Antimony Compounds                           |
| 0       | Manganese Compounds                          |
| 0       | Mercury Compounds                            |
| 0       | Fine mineral fibers <sup>3</sup>             |
| 0       | Nickel Compounds                             |
| 0       | Polycyclic Organic Matter <sup>4</sup>       |
| 0       | Radionuclides (including radon) <sup>5</sup> |
| 0       | Selenium Compounds (including arsine)        |
| 0       | Arsenic Compounds (inorganic)                |
| 0       | Beryllium Compounds                          |
| 0       | Cadmium Compounds                            |
| 0       | Chromium Compounds                           |
| 0       | Cobalt Compounds                             |
| 0       | Coke Oven Emissions                          |
| 0       | Cyanide Compounds <sup>1</sup>               |
| 0       | Glycol ethers <sup>2</sup>                   |
| 0       | Lead Compounds                               |

Section 30. That Section 47.280 of the above-entitled ordinance be and is hereby repealed.

**47.280. Approved vapor recovery systems.** (a) An approved stage I vapor recovery system shall recover a minimum of ninety-five (95) percent of the hydrocarbons, volatile organic compound vapors and other gases during the transfer of gasoline from a delivery vessel to a gasoline filling station's gasoline storage tank when it is used and maintained in the manner intended by the manufacturer.

(b) A system is an approved stage I vapor recovery system for the purposes of this chapter if all of the following requirements are met:

- (1) The gasoline filling station which is installing the system submits system specifications from the manufacturer or fabricator. System specifications shall include details as to the design of the vapor recovery system, its installation and maintenance requirements and other information necessary to verify system performance.
- (2) A licensed registered professional engineer certifies to the authority, as constituted pursuant to Chapter 47 of this Code, that the proposed stage I vapor recovery system as installed will at all times recover a minimum of ninety-five (95) percent of the hydrocarbons, volatile organic compound vapors and other gases during the transfer of gasoline from a delivery vessel to a gasoline filling station's gasoline storage tank when the system is used and maintained in the manner intended by the manufacturer.
- (3) The authority determines that the proposed system as installed will recover a minimum of ninety-five (95) percent of the hydrocarbons, volatile organic compound vapors and other gases during the transfer of gasoline from a delivery vessel to a gasoline filling station's gasoline storage tank when it is used and maintained in the manner intended by the manufacturer.
- (4) The authority delivers to the applicant its' written determination that the proposed system as installed will recover a minimum of ninety-five (95) of the hydrocarbons, volatile organic compound vapors and other gases during the transfer of gasoline from a delivery vessel to a gasoline filling station's gasoline storage tank when it is used and maintained in the manner intended by the manufacturer.

Section 31. That Section 47.290 of the above-entitled ordinance be and is hereby repealed.

**47.290. Recovery of vapors during transfer and delivery of gasoline to a tank equipped with stage I vapor recovery.** No person shall transfer or knowingly permit the transfer of gasoline from a delivery vessel to a gasoline filling station's gasoline storage tank without using an approved stage I vapor recovery system as defined by this chapter if the gasoline filling station's storage tank is equipped with an approved stage I vapor recovery system or without fully using the existing approved stage I vapor recovery system in the manner intended by the manufacturer or fabricator.

Section 32. That Section 47.300 of the above-entitled ordinance be and is hereby repealed.

**47.300. Conversion to stage I vapor recovery systems required.** No person shall transfer or knowingly permit the transfer of gasoline from a delivery vessel to a gasoline filling station's gasoline storage tank on January 1, 2007, or any date thereafter without use of an approved stage I vapor recovery system, as defined by this chapter, or without fully using the approved stage I vapor recovery system in the manner intended by the manufacturer or fabricator.

Section 33. That Section 47.310 of the above-entitled ordinance be and is hereby repealed.

**47.310. Permitting stage I vapor recovery system.** No person shall install or convert to a stage I vapor recovery system within the City of Minneapolis without first having obtained a permit for an approved system as identified in section 47.280. The permit fee for an installation or conversion permit shall be as established in the director's fee schedule pursuant to section 91.70.

Section 34. That Chapter 47 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 47.160 to read as follows:

**47.160. Paint Booth requirements.** (a) All spray painting of commercial and industrial materials must be conducted indoors and in a registered paint booth as required under section 47.40 of this code. The paint booth must be equipped with exhaust filters capable of collecting paint, dust and other particles to minimize air pollution. Factors to be considered include filter size, filter material, capture efficiency, air volume, velocity, exhaust flow, and fire safety. The paint booth must be properly maintained according to the manufacturer's specifications.



(b) Commercial and industrial materials which are physically unable to be painted indoors, such as public infrastructure, are exempt from the paint booth requirements but must be contained sufficiently to minimize fugitive emissions.

Section 35. That Chapter 47 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 47.170 to read as follows:

**47.170. Coffee Roaster After Burner requirements.** All coffee roasters installed after June 30, 2008, must be equipped with an afterburner to minimize emissions of particulate matter, formaldehyde, acetaldehyde, acrolein, smoke and odor. The afterburner must be compatible with the size, capacity and intended use of the coffee roaster. The afterburner must be operational at all times during roasting and the operating temperature must be within manufacturer recommendations. Coffee roasters installed prior to June 30, 2008 may be required to install such a device as deemed necessary by the Department of Regulatory Services to abate ongoing and chronic nuisance odor or other air pollution concerns.

Section 36. That Chapter 47 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 47.180 to read as follows:

**47.180. Violations of this code.** (a) Any person who violates any provision of this chapter shall be guilty of an ordinance violation and subject to the punishment and penalties of Chapter 1 and Chapter 2 of this code.

(b) License Revocation. Any owner or operator of land, buildings, or structures who possesses a city license to conduct business, in addition to the fine, may have his or her license revoked for failure to comply with this chapter.

(c) Each day of failure to comply with federal, state, or municipal laws or rules shall constitute a separate violation of this code.

Adopted 5/16/2008.

Ordinance 2008-Or-038 repealing Chapter 49 of Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Abrasive Blasting*, was adopted 5/16/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2008-Or-038**

**By Benson**

**Intro & 1st Reading: 4/4/2008**

**Ref to: HE&E**

**2nd Reading: 5/16/2008**

**Repealing Chapter 49 of Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Abrasive Blasting*.**

**CHAPTER 49. ABRASIVE BLASTING**

**49.10. Use restrictions.** No person shall operate any abrasive blasting machine in the city unless (1) said machine is equipped with an exhaust system which is so constructed and located as to prevent the discharge of more than five million (5,000,000) particles of dust per cubic foot of air there from; (2) dusts from said abrasive blasting machine are buried, treated or otherwise disposed of in a manner which will prevent the dispersion of such dusts in such quantities as to be inimical to the safety, comfort, welfare and well-being of persons living in the vicinity of the abrasive blasting operations:

**49.20. Tests.** The department of health shall perform such tests as are necessary to determine whether the operation of the abrasive blasting machine conforms to the requirements of section 49.10:

**49.30. Exception.** This chapter shall not apply to the use of abrasive machines on the exterior of buildings:

Adopted 5/16/2008.

**HE&E** – Your Committee recommends passage of the accompanying resolution Reducing Racial Disparities in Employment in Minneapolis and Establishing a Steering Committee.  
Adopted 5/16/2008.

Resolution 2008R-184, reducing Racial Disparities in Employment in Minneapolis and Establishing a Steering Committee, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-184**  
**By Gordon and Benson**

**Reducing Racial Disparities in Employment in Minneapolis and Establishing a Steering Committee.**

Whereas, the City of Minneapolis Employment and Training Program is committed to providing its residents with opportunities for jobs that support a family; and

Whereas, there is data that indicates that disproportionately higher numbers of African American and American Indian residents are living in poverty and are more likely to be unemployed than White residents and other minority populations; and

Whereas, the concentrations of poverty and unemployment are localized in certain neighborhoods; and

Whereas, the Minneapolis Employment and Training Program uses a network of community-based nonprofit organizations to deliver employment and training services; and

Whereas, the State and Federal funding for employment and training resources is inadequate to meet the need for services; and

Whereas, the City of Minneapolis is focused on reducing the employment disparity faced by the African American and American Indian residents;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Mayor and City Council hereby direct the appropriate City staff to take the following actions:

1. Participate in a Joint City of Minneapolis and Hennepin County "Racial Disparities in Employment Steering Committee".

2. Focus additional resources on pilot employment projects or demonstration projects to test a variety of strategies for improving service delivery to minority populations and connecting participants with existing culturally appropriate services.

3. Provide additional cultural sensitivity training for staff, managers, and employers.

4. Engage human resource professionals from the private sector to develop a strategy for reducing disparities between minority and white workforce participation rates.

5. Develop a joint City of Minneapolis and Hennepin County evaluation tool to measure progress on reducing workforce disparities.

Be It Further Resolved that the Mayor and City Council encourage business and community leaders to proactively take steps to hire minorities and redouble their efforts to partner with those nonprofit organizations delivering employment services within the City of Minneapolis.

Adopted 5/16/2008.

**The HEALTH, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following report:**

**HE&E & W&M/Budget** – Your Committee recommends the proper City Officers be authorized to negotiate and execute an agreement with the Minneapolis Public Schools Food Services Department for the City to provide food inspection, laboratory sampling, blueprint and construction plan review, food-borne illness investigations, and food safety training for school district staff during the period September

1, 2008 through May 31, 2011. Further; that the contract fee for the year 2008-2009 shall be \$51,903.76 which may be adjusted annually thereafter at the rate of up to 3% per year.

Adopted 5/16/2008.

**The INTERGOVERNMENTAL RELATIONS Committee submitted the following reports:**

**IGR** - Your Committee, having under consideration the issue of mortgage foreclosures, now recommends that the City's agenda for the 2008 Legislative Session, adopted December 21, 2007, as amended, be further amended to include in the "Affordable Housing and Homelessness Prevention" section as the second item under "Priority" Issues, the following policy statement language:

"The Minnesota legislature provide comprehensive statutory authority to the attorney general, city, and county attorneys to prosecute mortgage fraud and also provide the resources for the courts and prosecutors to pursue the cases in court."

Adopted 5/16/2008.

**IGR** - Your Committee, having under consideration a policy statement relating to the Central Corridor Light Rail Project, now recommends that the City's agenda for the 2008 Legislative Session, adopted December 21, 2007, as amended, be further amended to include in the "Transportation" section as the last item under "Priority" Issues, the following language:

"Minneapolis supports without delay state funding of \$70 million for the Central Corridor Light Rail Project and opposes any actions on the part of the Central Corridor Partnership members that will cause delay or potentially jeopardize the securing of a full funding agreement from the Federal Transit Administration."

Hodges moved to amend the second paragraph of the report to read as follows as follows:

"Minneapolis supports without delay state funding of \$70 million for the Central Corridor Light Rail Project and opposes any actions on the part of the ~~Central Corridor Partnership members~~ jurisdictions represented on the Central Corridor Management Committee that will cause delay or ~~potentially~~ jeopardize the securing of a full funding agreement from the Federal Transit Administration." Seconded.

Adopted upon a voice vote.

Lilligren moved to recess until called to order by the chair, due to a fire alarm. Seconded.

Adopted upon a voice vote.

Johnson reconvened the meeting.

The report, as amended, was adopted 5/16/2008.

Yeas, 9; Nays, 4 as follows:

Yeas - Goodman, Hodges, Samuels, Gordon, Ostrow, Colvin Roy, Glidden, Remington, Benson.

Nays - Hofstede, Schiff, Lilligren, Johnson.

**IGR** - Your Committee, having under consideration the issue of Federal policies regarding local government, now recommends that the City's Fiscal Year 2009 Federal Legislative Agenda, adopted 2/29/2008, as amended, be further amended to include in the "Policy Initiative" section the following language:

"The federal government has a long tradition of providing local government with the resources to maintain and improve the quality of life of its residents. Federal policies related to housing, public safety, workers rights, transportation and the environment, for example, have provided financial and legal resources to local governments. The City of Minneapolis has benefited from such federal actions and supports continued federal support. The City, however, opposes federal actions that are traditionally the responsibility of local governments. In developing policy, the federal government must recognize the role of local control over such matters as employee relations and land use."

Adopted 5/16/2008.

**The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:**

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 3, Chapter 58 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Idling*, adding a new Article II entitled *Generally* to regulate motor vehicle idling not otherwise regulated pursuant to Article I.

Samuels moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 5/16/2008.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of Gay 90's, 400 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Adopted 5/16/2008.

Approved by Mayor Rybak 5/16/2008.

(Published 5/20/2008)

Resolution 2008R-185, granting the application of Gay 90's, 400 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-185**

**By Samuels**

**Granting the application of Gay 90's, 400 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by 90's Minneapolis LLC, dba Gay 90's, 400 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License (change in ownership from Gay Nineties Inc) to expire January 1, 2009, subject to the following conditions:

1. The applicant will abide by the conditions set forth in the Police Department's Security Plan as signed by Sgt E.T. Nelson and the applicant on March 6, 2008.

2. 16 plus age events will not take place at this establishment.

3. During an 18 plus event, identification for each patron will be visually inspected by security staff prior to the patron entering the establishment.

4. During an 18 plus event, any patron under the age of 21 with any detectable presence of alcohol in his/her system shall be refused admittance into the establishment. As soon as alcohol is detected in the patron's system, the patron shall be escorted from the premises.

5. The applicant will limit nude performances to a stage or similarly constructed area such that patrons cannot have physical contact with the performers.

6. No VIP wristbands or similar such symbol which would indicate the patron is permitted or allowed to consume alcoholic beverages will be extended to any person without first verifying legal age to consume alcoholic beverages.

7. When in use, any VIP area within the establishment will be staffed at all times with at least one employee of the licensee who has received alcohol server training.

8. The business shall at all times keep an accurate occupancy count and immediately share such figures upon the request of any official or officer of the City of Minneapolis. The business shall not let more patrons into the establishment than is legally allowed.

9. Employees of the applicant shall receive alcohol server training from an approved independent training provider at a minimum bi-annually. All new employees shall attend server training within 60 days of serving beverage alcohol.

10. Noise from the establishment will be kept to a minimum by taking appropriate measures as required by Minnesota State Rules or Laws. Noise coming from patrons of the establishment will be managed consistent with the requirements of Chapter 389 of the Minneapolis Code of Ordinances.

11. To all extent possible, the applicant will work with the Landlord to modify the exterior of the establishment including repairing and/or altering where needed, including all billboards, within 180 days of assuming ownership to come into compliance with Chapter 85.100 of the Minneapolis Building Code. To the extent possible, the applicant will work with the landlord to ensure that the exterior will be maintained free of public nuisances, and shall be kept in a workmanlike state of maintenance and repair. To all extent possible, the applicant will work with the Landlord to ensure that the Exterior walls, including all billboards, shall be maintained and kept free from dilapidation by cracks, tears or breaks or from deteriorated plaster, stucco, brick, wood or other material that is extensive and gives evidence of long neglect.

12. For all major repairs, renovations, remodeling or other alterations to be made to the establishment, including any changes to the business plan, the applicant when appropriate, will file those changes in writing with the Licenses & Consumer Services Division. All required permits will need to be obtained with all work being reviewed and approved by the appropriate City Inspector. The appropriate paperwork will be required to be submitted and approved by the Minneapolis City Council prior to the implementation of any aforementioned change.

13. Handbill distribution on the public right-of-way will be restricted to a maximum of six dates in a calendar year.

14. The licensee will collect and properly dispose of all litter, including handbills and cigarette butts, within 100 feet of the exterior of the building housing the licensed premises on a daily basis.

15. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/16/2008.

Approved by Mayor Rybak 5/16/2008.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of Karma, 315 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Adopted 5/16/2008.

Resolution 2008R-186, granting the application of Karma, 315 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-186**

**By Samuels**

**Granting the application of Karma, 315 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Karma Entertainment LLC, dba Karma, 315 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License to expire April 1, 2009, subject to the following conditions:

1. No "18 plus" or "all ages" event shall be provided in the establishment unless the applicant notifies the local police precinct in writing and at least 24 hours prior to the event, if the event is in addition to the schedule adopted by Karma and on file with the local police precinct.

2. All litter within 100 feet of the exterior of the building housing the licensed premises must be picked up on a daily basis.

3. Noise caused by live and/or recorded music from the establishment will be managed by taking reasonable and appropriate measures as required by section 360.55 of the Minneapolis Code of



Ordinances. Noise coming from patrons of the establishment will be consistent with the requirements of Chapter 389 of the Minneapolis Code of Ordinances.

4. The business agrees not to install pay phones either inside or outside the establishment.

5. Follow all laws and rules of the City of Minneapolis and the State of Minnesota relating to operating an establishment with an on-sale beverage alcohol license.

6. During any 18 plus/all ages event, an Alcoblow/intoxilyzer shall be employed on all patrons entering the establishment who in the reasonable judgment of the on-site management/staff of Karma appear to be under the influence of an alcoholic beverage. Any patron under the age of 21 with any detectable presence of alcohol in their system shall be refused admittance into the establishment.

7. During any 18 plus/all ages event, an identification card reader shall be available and used to verify, along with visual inspection of the identification, the age of each patron, if in the reasonable judgment of the on-site management/staff of Karma the individual is not personally known to be 21 years of age. If there is reasonable suspicion that the identification presented is inadequate to establish the age of the patron, the patron will be refused admittance into the establishment.

8. The business will submit a Youth Alcohol Prevention Plan which will entail the measures the establishment will take to ensure under age patrons are not served beverage alcohol (examples – secret shoppers, monthly staff meeting discussing carding policy, define the policy, etc). The plan must be received by the Licenses & Consumer Services Office by 1:00 p.m. on the first Friday after the adoption and publication of the action by the full City Council.

9. The business will submit a written addendum to update the business plan so as to include 18 plus/all ages events, a theft prevention plan, and any other changes. This addendum must be received by the Licenses & Consumer Services Office by 1:00 p.m. on the first Friday after the adoption and publication of the action by the full City Council.

10. The business shall regularly attend the Downtown Entertainment District Security Meetings (Bar Watch) and maintain current e-mail contacts with the First Police Precinct or another designated contact.

11. Employees of the business shall receive alcohol server training from an approved provider at a minimum on a yearly basis. All new employees shall attend a server training prior to serving beverage alcohol.

12. All persons seeking to gain entrance to the establishment after 10:00 p.m. shall be required to present legitimate identification as a condition of entrance except at private events that are not open to the public.

13. The applicant shall compile, maintain and share with the local precinct a “do not admit” list to prevent reoccurrence of disturbances by known persons.

14. Any VIP area within the establishment, when in use, will be staffed at all times with at least one employee of the business who has received alcohol server training.

15. All IDs confiscated due to improper use by the patron or because the ID is counterfeit or otherwise invalid or defective will be turned over to the First Police Precinct within 24 hours.

16. No VIP wristbands or any other privileges which would permit or allow the consumption of alcoholic beverages will be extended to any person without first verifying legal age to consume alcoholic beverages.

17. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/16/2008.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of Market Express, 3159 Chicago Av, for Grocery and Tobacco Dealer Licenses, subject to conditions.

Adopted 5/16/2008.

Approved by Mayor Rybak 5/16/2008.

(Published 5/20/2008)

Resolution 2008R-187, granting the application of Market Express, 3159 Chicago Av, for Grocery and Tobacco Dealer Licenses, subject to conditions, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-187**  
**By Samuels**

**Granting the application of Market Express, 3159 Chicago Av, for Grocery and Tobacco Dealer Licenses, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by El Asrage Co, dba Market Express, 3159 Chicago Av, for Grocery and Tobacco Dealer Licenses (new proprietor) to expire April 1, 2009, subject to the following conditions:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Grocery store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. The store understands that they are responsible for the parking area behind the store as well as the sidewalks and streets surrounding the store. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business will have a minimum of two staff employees working from 6:00 p.m. until the close of business each day to ensure monitoring of the exterior and to reduce negative behaviors. This condition is in effect until September 30, 2008 unless criminal activity, as determined by the 3rd Precinct Police Department, is still a neighborhood problem.

3. The business agrees not to sell single cigars, or single cigarettes, or packs of cigars with plastic tips. This condition is in effect until September 30, 2008 unless violations were found during the one year period.

4. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), Brillo Pads, or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.

5. The business agrees to keep all exterior and interior lights illuminated and functioning properly with light hoods, per Section 259.250 of the Minneapolis Code of Ordinances. The lighting shall be attached to a photo light sensor set to automatically illuminate at sun set. This condition shall be completed within one month of signing this agreement.

6. All windows will be free of signs and other items that block the view in and out, as is specified in Section 543.350 of the Minneapolis Code of Ordinances.

7. The owner shall install a digital camera system with a 30-day recording device. The owner agrees to turn over recorded information within four hours of a request by the Police Department. A digital camera system shall be installed to record the front, side and rear of the store. This condition shall be completed within one month of signing this agreement.

8. The owner agrees not to install temporary advertising banners or signs on the exterior of the premises, including the fences, walls or other fixtures of the property.

9. The business agrees to clean the property and all areas within 100 feet of the property line of litter and trash as often as necessary to prevent the accumulation of litter, trash and debris. The business shall maintain a litter receptacle in the front and side of the business that is convenient for customer use. The container shall be from the adopt a litter program with Minneapolis Public Works.

10. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times. This requirement shall be fulfilled before the store opens for business.

11. The business will have maximum operating hours as follows: Sunday through Thursday, 7:00 a.m. to 9:00 p.m.; Friday and Saturday, 7:00 a.m. to 10:00 p.m. These hours will remain in effect for a period of one year. If criminal activity is still a problem, as determined by the 3rd Precinct Police Department, the hours will continue.

12. The business will stock a variety of common staple food items such as milk, bread, canned and frozen vegetables, soups, fruit juice and cereals, etc. Food items shall be removed from stock when the printed shelf life date has expired.

13. The business will maintain Workers' Compensation insurance at all times the business is in operation.

14. The business partners agree that they will attend the block club meeting Parkside West meeting on a monthly basis. Parkside West meets every second Tuesday at the Chicago Lake Safety Center.

15. The \$800 citation for signs blocking the windows and the \$400 citation for single cigarette sales have been appealed.

16. 3.2 beer can only be sold in original packages containing at least six bottles/cans. Single cans or bottles of 3.2 beer shall not be sold.

17. Graffiti shall be removed as required by Chapter 226 of the Minneapolis Code of Ordinances.

18. All Environmental Health orders must be completed before the store can reopen.

19. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/16/2008.

Approved by Mayor Rybak 5/16/2008.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of Element Nightclub, 10 S 5th St, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Adopted 5/16/2008.

Resolution 2008R-188, granting the application of Element Nightclub, 10 S 5th St, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2008R-188**

**By Samuels**

#### **Granting the application of Element Nightclub, 10 S 5th St, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Gravity Nightlife LLC, dba Element Nightclub, 10 S 5th St, for an On-Sale Liquor Class B with Sunday Sales License (change in ownership from Foundation Nightlife LLC) to expire October 1, 2008, subject to the following conditions:

1. 16 plus/all ages events will not take place at this establishment.

2. During an 18 plus event, an identification card reader shall be available and shall be employed to verify, along with visual inspection of the identification, the age of each patron, if in the reasonable judgment of the on-site management or staff the individual may be underage.

3. During an 18 plus event, any patron under the age of 21 with any detectable presence of alcohol in his/her system shall be refused admittance into the establishment. As soon as alcohol is detected in the patron's system, the patron shall be escorted from the premises.

4. No VIP wristbands or similar such symbol which would indicate the patron is permitted or allowed to consume alcoholic beverages will be extended to any person without first verifying legal age to consume alcoholic beverages.

5. When in use, any VIP area within the establishment will be staffed at all times with at least one employee of the licensee who has received alcohol server training.

6. The business shall at all times keep an accurate occupancy count and immediately share such figures upon the request of any official or officer of the City of Minneapolis. The business shall not let more patrons into the establishment than is legally allowed.

7. Employees of the applicant shall receive alcohol server training from an approved independent training provider at a minimum bi-annually. All new employees shall attend server training within 60 days of serving beverage alcohol.

8. The applicant shall designate an employee, other than the on-site manager, as head of security staff equipped with a cell phone; said cell phone number shall be provided to the First Precinct and Licenses & Consumer Services. The applicant will schedule and maintain adequate security beyond closing time to assist in effective dispersal of venue-associated crowds from the sidewalk in front of the licensed premise.

9. The business agrees to follow all laws and rules of the City of Minneapolis and the State of Minnesota relating to operating an establishment with an on-sale beverage alcohol license.

10. The applicant or designated representative shall regularly attend the Downtown Entertainment District Security Meetings (Bar Watch) and maintain current e-mail contacts with Travis Glampe of the First Police Precinct or another designated contact.

11. The applicant shall compile, maintain and share a "do not admit" list and video surveillance system recordings, if any, with the local Precinct or any other official of the City of Minneapolis upon request to prevent reoccurrence of disturbances by known persons.

12. Noise from the establishment will be kept to a minimum by taking appropriate measures as required by Minnesota State Rules or Laws. Noise coming from patrons of the establishment will be managed consistent with the requirements of Chapter 389 of the Minneapolis Code of Ordinances.

13. The licensee will collect and properly dispose of all litter, including handbills and cigarette butts, within 100 feet of the exterior of the building housing the licensed premises on a daily basis.

14. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/16/2008.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of One Stop & Gas, 3333 Cedar Av, for Grocery, Gasoline Filling Station and Tobacco Dealer Licenses, subject to conditions.

Adopted 5/16/2008.

Resolution 2008R-189, granting the application of One Stop & Gas, 3333 Cedar Av, for Grocery, Gasoline Filling Station and Tobacco Dealer Licenses, subject to conditions, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2008R-189**

**By Samuels**

**Granting the application of One Stop & Gas, 3333 Cedar Av, for Grocery, Gasoline Filling Station and Tobacco Dealer Licenses, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Ethsom Development LLC, dba One Stop & Gas, 3333 Cedar Av, for Grocery, Gasoline Filling Station and Tobacco Dealer Licenses (new proprietor) to expire September 1, 2008, subject to the following conditions:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Grocery store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business understands that any vehicle that parks on their business property without a purchase shall be trespassed and the vehicle license number reported to the Police Department SAFE Team members. Employee and the owner's vehicles are exempt from this condition.

3. The business will maintain their system for issuing and tracking 90-day No Trespassing Notices complete with pictures of trespassed people.

4. The business shall have two staff people working at the business from 2:00 p.m. to the close of business seven days a week. A minimum of 20 hours per week must be a professional security guard licensed under Minnesota State Statutes.

5. The business agrees not to sell single cigars or single cigarettes.

6. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes; small zip lock bags also known as jewelry bags, single use tobacco products and rolling papers. The business will also agree not to supply matches to non-tobacco customers.

7. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

8. All windows will be free of signs and other items that block the view in and out, as specified in Section 543.350 of the Minneapolis Code of Ordinances.

9. The owner shall comply with the Surveillance Camera Ordinance. The business agrees to maintain three exterior surveillance cameras and shall monitor the exterior activity on the business property.

10. The owner agrees not to install temporary advertising banners or signs on the exterior of the premises, including the fences, walls or other fixtures of the property.

11. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

12. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

13. The business will have maximum operating hours as follows: Sunday through Thursday, 7:00 a.m. to 10:00 p.m.; Friday and Saturday, 7:00 a.m. to 11:00 p.m.

14. The parking lot of the business shall have chains and bollards and shall be blocked each night after the business closes.

15. The business understands that they will pay all fines and fees, not under appeal, by the due date issued on the violation notice.

16. The business agrees that there will be no exterior pay phones.

17. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/16/2008.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 5/16/2008.

Resolution 2008R-190, granting applications for Liquor, Wine and Beer Licenses, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-190**

**By Samuels**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 272772):



**On-Sale Liquor Class A with Sunday Sales, to expire June 27, 2008**

Bryant Lake Restaurants Inc, dba Bryant Lake Bowl, 810 W Lake St (temporary expansion of premises & temporary outdoor entertainment for Uptown Pride Block Party, June 27, 2008, 6:00 p.m. to 10:30 p.m.)

**On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2008**

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S (May 24, 2008, 7:00 p.m. to 2:30 a.m.; May 25, 2008, 4:00 p.m. to 2:30 a.m.)

**On-Sale Liquor Class B with Sunday Sales, to expire June 14, 2008**

Miss Jimmy Inc, dba Red Stag Supperclub, 509 1st Av NE (temporary expansion of premises, June 14, 2008, 5:00 p.m. to 10:30 p.m.)

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2009**

P J Hafiz Club Management Inc, dba Sneaky Pete's Bar & Grill, 14 5th St N (expansion of premises)  
Picos Hospitality Group LLC, dba Picos Restaurant, 65 Main St SE #143

**On-Sale Liquor Class B with Sunday Sales, to expire June 7, 2008**

Joint Caboose Operations LLC, dba Joint/Cabooze, 913 Cedar Av S, 1st floor (temporary expansion of premises with outdoor entertainment, June 7, 2008; Finnegans Shamrock Festival Fundraiser)

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2008**

Scott Free Enterprises LLC, dba Fatsos, 119 4th St N (new shareholder/partner and new corporate officer)

**On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2009**

Mangia Nicklow & Friends Production LLC, dba Downtime, 1501 University Av SE, 1st floor (upgrade from On-Sale Liquor Class E with Sunday Sales)

La Bodega Tapas Bar LLC, dba La Bodega Tapas Bar, 3005 Lyndale Av S (expansion of premises)

La Bodega Tapas Bar LLC, dba La Bodega Tapas Bar, 3005 Lyndale Av S (new shareholder/partner)

Smith & Hance Entertainment Inc, dba Nomad World Pub, 501 Cedar Av S

**On-Sale Liquor Class C-2 with Sunday Sales, to expire July 13, 2008**

Mr Susie Inc, dba Barbette, 1600 W Lake St (temporary expansion of premises, July 13, 2008, 4:00 p.m. to 10:00 p.m., Bastille Day Block Party)

**On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2009**

ZG Mill City Cafe Co, dba Mill City Cafe, 2205 California St NE (change from Class C-1 with Sunday Sales)

Trans Global T Inc, dba Bombay Bistro, 820 Marquette Av

Rainbow Chinese Restaurant Inc, dba Rainbow Chinese Restaurant, 2739 Nicollet Av

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2008**

Manhattan LLC, dba Manhattan's Martini Bar & Restaurant, 800 LaSalle Av #130 (new shareholder/partner)

**Temporary On-Sale Liquor**

Friends of the Basilica of St. Mary Foundation, dba Friends of the Basilica of St. Mary, 88 17th St N (Centennial Gal Fundraiser, May 31, 2008, 5:00 p.m. to Midnight, the Basilica grounds and Xcel Lot of 16th & Linden)

St. Paul Jaycees, dba St. Paul Jaycees, 401 Robert St #150, St. Paul (May 31, 2008, 5:00 p.m. to 9:00 p.m., outdoor event on Hennepin Av between Lake & 31st Sts)

Marketing Minneapolis LLC, dba Marketing Minneapolis LLC, 81 S 9th St (Jazz Festival – free outdoor concern, June 27, 2008, 5:00 p.m. to 10:00 p.m.; June 28, 2008, Noon to 10:00 p.m.; June 29, 2008, Noon to 8:00 p.m., Peavey Plaza)

Basilica of St. Mary, dba Basilica Block Party, 88 17th St N (2008 Basilica Block Party, with entertainment, July 11 & 12, 2008, 5:00 p.m. to 10:30 p.m.; Licensed Facilitator: Murrays Inc)

**On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2009**

Coffee Gallery Inc, dba Coffee Gallery, 1011 Washington Av S

**On-Sale Wine Class D with Strong Beer, to expire April 1, 2009**

MDC Foods Inc, dba Curran's Restaurant, 4201 Nicollet Av (internal transfer of shares)

Papago Inc, dba Fat Lorenzo's, 5600 Cedar Av S (expansion of premises)

I & M and J & M LLC, dba Marla's Indian and Caribbean Cuisine, 1123 W Lake St

**Temporary On-Sale Wine**

Marketing Minneapolis LLC, dba Marketing Minneapolis LLC, 81 S 9th St #260 (Alive After 5, June 2 – 4, 2008, 5:00 p.m. to 9:00 p.m., Peavey Plaza)

Minneapolis Mounted Patrol, dba Minneapolis Mounted Patrol, 81 S 9th St #260 (Alive After 5, June 5 & 6, 2008, 5:00 p.m. to 9:00 p.m.; June 7, 2008, Noon to 10:00 p.m., Peavey Plaza)

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St #260 (Alive After 5, June 9 – 11, 2008, 5:00 p.m. to 9:00 p.m., Peavey Plaza)

Marketing Minneapolis LLC, dba Marketing Minneapolis LLC, 81 S 9th St #260, Alive After 5, June 12 & 13, 2008, 5:00 p.m. to 9:00 p.m., Peavey Plaza)

Minneapolis Mounted Patrol, dba Minneapolis Mounted Patrol, 81 S 9th St #260 (Alive After 5, June 16 - 18, 2008, 5:00 p.m. to 9:00 p.m., Peavey Plaza)

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St #260 (Alive After 5, June 19 & 20, 2008, 5:00 p.m. to 9:00 p.m., Peavey Plaza)

Minneapolis Mounted Patrol, dba Minneapolis Mounted Patrol, 81 S 9th St #260 (Alive After 5, June 23 - 26, 2008, 5:00 p.m. to 9:00 p.m., Peavey Plaza)

**Off-Sale Beer, to expire April 1, 2009**

Easyway Food Inc, dba Easyway Foods, 2820 Johnson St NE

**Temporary On-Sale Beer**

First Universalist Church, 3400 Dupont Av S (April 12, 2008, 6:00 p.m. to 11:00 p.m.).

Adopted 5/16/2008.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 5/16/2008.

Resolution 2008R-191, granting applications for Business Licenses, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-191**

**By Samuels**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of May 16, 2008 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 272772):

Bowling Alley; Dance Hall; Place of Entertainment; All Night Special Food; Boarding House; Caterers; Confectionery; Food Distributor; Food Market Distributor; Grocery; Ice Producer – Dealer/Wholesale; Indoor Food Cart; Food Manufacturer; Food Market Manufacturer; Meat Market; Mobile Food Vendor; Drive In Food; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Vending Machine; Motor Vehicle Repair Garage; Commercial Parking Lot Class A; Public Market; Rental Halls; Residential Specialty Contractor; Solicitor – Company; Solicitor - Individual; Solid Waste Hauler; Swimming Pool – Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Service Company; Taxicab Vehicle – Fuel Efficient; Taxicab Vehicle – Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle – Non-Transferable; Taxicab – Neighborhood Rideshare; Medical Contract Carrier; Tobacco Dealer; Tree Servicing; Valet Parking.

Adopted 5/16/2008.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.  
Adopted 5/16/2008.

Resolution 2008R-192, granting applications for Gambling Licenses, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-192**  
**By Samuels**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 272772):

**Gambling Exempt**

Rape, Abuse & Incest National Network, 2000 L Street NW, Washington, DC (Raffle April 26, 2008 at The Depot, 225 3rd Av S)

Prodigal House Inc, dba Prodigal House, 5103 Minnehaha Av (Raffle May 17, 2008 at Minnehaha United Methodist Church, 3701 E 50th St)

St. Paul Chamber Orchestra Society, dba St. Paul Chamber Orchestra Society, 408 St. Peter St, St. Paul (Raffle May 17, 2008 at McNamara Alumni Center, University of Minnesota Campus, 200 Oak St SE).

Adopted 5/16/2008.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Union Liquor Store, 3219 Penn Av N.

Adopted 5/16/2008.

Resolution 2008R-193, approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Union Liquor Store, 3219 Penn Av N, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-193**  
**By Samuels**

**Approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Union Liquor Store, 3219 Penn Av N.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference on March 28, 2008 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on three separate occasions during a period of less than four months, employees of the Union Liquor Store sold alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances, Minnesota Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

1. That a sanction be imposed, in the amount of \$7,000, with \$4,000 being stayed for a period of two years pending no further alcohol compliance check failures. \$3,000 will be paid upon signing of the agreement.

2. A suspension of 30 days will be imposed, with 23 days stayed for a period of two years pending no further alcohol compliance check failures. The seven days of served suspension will be on May 12 to 15 and June 14 to 16 (exact dates need to be agreed on prior to the signing of the agreement and must be served in total within three months).

3. Union Liquor Store agrees to establish a written alcohol policy that includes training of staff prior to hire, training certification for essential employees, rewards, and penalties for employee non-compliance with policies and secret shoppers.

4. Union Liquor Store agrees to have a trained store manager on the premises during hours of operation to ensure compliance with the written alcohol policy.

5. Union Liquor Store will consistently operate the technology that requires a scanned ID prior to the sale of alcohol.

6. A Union Liquor Store representative will participate in the Liquor Industry And the City (LINC) Industry meeting.

7. A Union Liquor Store representative will attend the Mothers Against Drunk Drivers (MADD) alcohol awareness training within three months of signing of the agreement.

8. This agreement does not alter or preclude any previously imposed license conditions that may exist regarding any other licenses held by Union Liquor Store.

9. This agreement shall not preclude any other adverse license action for subsequent violations of this agreement, or for subsequent violations or subsequently-discovered violations of any federal, state or local laws, ordinances or regulations.

10. The date of this agreement shall be defined as the date that the licensee signs or otherwise executes this agreement.

Adopted 5/16/2008.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Sabor Latino Restaurant, 2505 Central Av NE.

Adopted 5/16/2008.

Resolution 2008R-194, approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Sabor Latino Restaurant, 2505 Central Av NE, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-194**

**By Samuels**

**Approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Sabor Latino Restaurant, 2505 Central Av NE.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on April 3, 2008 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on one occasion an employee of Sabor Latino Restaurant sold alcohol to a person under the age of 21, in violation of the Minneapolis Code of Ordinances, State Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

1. Purchase an identification card reader within 30 days of this agreement being approved by the City Council.

2. Provide an alcohol server training policy to Licenses & Consumer Services, due at the time of signing of the agreement. It should include the requirement for annual alcohol service training and training for new hires within 30 days of hire. The policy should reference the restaurant's identification policy. The policy should include the following items numbered "2" through "6".

3. Whenever a staff meeting is held, have alcohol service as a standing agenda item.

4. Post alcohol service related signs in highly visible locations for reminders to staff.

5. Post signs that identify Sabor Latino's alcohol service policy to customers.

6. Employ a youth alcohol self-check/reward program with decoy four times each year for the next two years and keep documentation of the results within 30 days of this agreement being approved by the City Council.

7. The licensee will attend a Liquor and the City (LINC) meeting at least one time in the next three months.

8. In lieu of a suspension, the City shall impose a \$2,000 sanction, of which \$1,500 shall be stayed for a period of two years from the signing of this agreement. The licensee shall pay \$500 of this sanction due at the time of signing of the agreement.

Adopted 5/16/2008.

**PS&RS** – Your Committee, having under consideration the Confectionery and Tobacco Dealer Licenses held by Musaab Inc, dba Hiawatha Tobacco, 2740 Minnehaha Av, and having held a license hearing to determine whether or not the license holder is disqualified from renewing said licenses as a result of being convicted of a felony for making a materially false statement to the Federal Bureau of Investigation (FBI), now recommends the following:

a. that the City Council deny renewal of the Confectionery and Tobacco Dealer Licenses held by Hiawatha Tobacco. Further, that the licensee be deemed ineligible to reapply for such licenses for a period of two years.

b. that the licensee's request for a stay of the Committee's adverse license decision, in the event of an appeal, be denied.

Adopted 5/16/2008.

**PS&RS** – Your Committee, having received an Internal Audit report entitled "Hennepin County Adult Detention Center - A Review of Procedures and Controls Associated with Jail Billings to the City of Minneapolis", now recommends the following:

a. that the report be received and filed and that its recommendations be adopted.

b. passage of the accompanying resolution rescinding the 1968 resolution entitled "relating to the consolidation of City-County jail facilities", passed August 9, 1968, effective July 1, 2008.

c. that City staff be directed to negotiate an agreement with Hennepin County for the payment of jail fees and processing fees, and that any agreement be in conformance with applicable State laws.

d. as of July 1, 2008, staff is directed to pay only those jail and processing fees for which a municipality is responsible pursuant to State law or those fees required by a contract entered into between Hennepin County and the City of Minneapolis.

Ostrow moved that paragraphs "b", "c" and "d" of the report be amended to read as follows:

b. passage of the accompanying resolution rescinding the 1968 resolution entitled "relating to the consolidation of City-County jail facilities", passed August 9, 1968, effective ~~July 1, 2008~~ September 1, 2008.

c. that City staff, the Council President, and the Chair of Ways & Means/Budget Committee be directed to negotiate an agreement with Hennepin County for the payment of jail fees and processing fees, and that any agreement be in conformance with applicable State laws. A city work team including representatives from the Minneapolis Police Department, the Finance Department and the City Attorney shall represent the City in the negotiations.



d. as of ~~July 1, 2008~~ September 1, 2008, staff is directed to pay only those jail and processing fees for which a municipality is responsible pursuant to State law or those fees required by a contract entered into between Hennepin County and the City of Minneapolis. Seconded.

Colvin Roy moved that paragraph "c" of the Ostrow motion be amended to read as follows:

c. that City staff, the Council President, and the Chair of Ways & Means/Budget Committee be directed to negotiate an agreement with Hennepin County for the payment of jail fees and processing fees, and that any agreement be in conformance with applicable State laws. A city work team including representatives from the Minneapolis Police Department, the Finance Department and the City Attorney shall represent the City in the negotiations. Seconded.

Adopted upon a voice vote.

Ostrow's motion, as amended, was adopted upon a voice vote.

The report, as amended, was adopted 5/16/2008.

#### **RESOLUTION 2008R-195**

**By Samuels**

**Rescinding the 1968 Resolution entitled "Relating to the consolidation of City-County Jail Facilities", passed August 9, 1968.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be and is hereby rescinded.

Adopted 5/16/2008.

**PS&RS** – Your Committee, to whom was referred by the City Council on April 4, 2008 a report relating to the Unisys Contract for support and maintenance of the SafeZone Wireless Network System, now recommends that the proper City officers be authorized to amend the Unisys Managed Services Contract C-25200 by \$105,425 for an increase in scope to provide support and maintenance of the SafeZone Wireless Network System in the First Precinct and Cedar Riverside area. Further, passage of the accompanying resolution appropriating \$105,425 to Business Information Services.

Adopted 5/16/2008.

#### **RESOLUTION 2008R-196**

**By Samuels**

**Amending The 2008 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Business Information Services Agency in the Internal Service Fund (06400-8800310-880F7735) by \$105,425 and increasing the Revenue Source (06400-8800310-3455) by \$105,425.

Adopted 5/16/2008.

**PS&RS** – Your Committee, having under consideration a report passed January 18, 2008 relating to the property located at 2635 12th Av S, which has been determined by the Inspections Division to constitute a nuisance under the Minneapolis Code of Ordinances; and having authorized a stay of the Order for Demolition in order to execute a restoration agreement with the property owner; and having received a request from staff to reconsider the Council directive and instead authorize demolition, now recommends that said property be **sent forward without recommendation**.

Samuels moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be demolished". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/16/2008.

**The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following reports:**

**PS&RS & W&M/Budget** - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, changing the mechanism for enforcing no or low heat in rental units from outside temperature to calendar dates, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends passage of the accompanying resolution adopting an amended schedule of civil fines for administrative offenses for certain violations of Title 12 (Housing) of the Minneapolis Code of Ordinances.

Adopted 5/16/2008.

Ordinance 2008-Or-039 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Sections 244.150, 244.430 and 244.460 to change the mechanism for enforcing no or low heat in rental units from outside temperature to calendar dates, was adopted 5/16/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2008-Or-039**  
**By Remington and Gordon**  
**Intro & 1st Reading: 3/21/2008**  
**Ref to: PS&RS**  
**2nd Reading: 5/16/2008**

**Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 244.150 of the above-entitled ordinance be amended to read as follows:

**244.150. Notice of violations.** Whenever the commissioner of health, the chief of the fire prevention bureau or the director of inspections determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, of any provision of this Code, notice of such violation or alleged violation shall be given to the person or persons responsible therefor. Such notice shall:

- (a) Be in writing;
- (b) Include a description of the real estate sufficient for identification;
- (c) Specify the violation which exists and remedial action required;
- (d) Allow a reasonable time for the performance of any act it requires;
- (e) Be served upon the owner, or the operator, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner, or upon such operator, or upon such occupant if a copy thereof is served upon such owner, operator or occupant personally; or if a copy is left at such owner's, operator's or occupant's usual place of abode with a person of suitable age and discretion then resident therein; or by depositing in the United States Post Office, the notice addressed to such owner's, operator's or occupant's last-known address with postage prepaid thereon; or if service cannot be made by any one of the above means then such notice shall be deemed served if a copy of such notice is posted and kept posted for twenty-four (24) hours in a conspicuous place on the premises affected by such notice.

Notwithstanding the other provisions of this section, a notice of violation shall not be required for violation of sections 227.90, 240.10, 240.20, 240.30, 240.40, 240.50, 240.60, 240.70, 240.80, 240.90, 240.100, 244.60, 244.240, 244.350, 244.410, 244.430, 244.460, 244.590, 244.610, 244.620, 244.640, 244.660, 244.690, 244.700, 244.760, 244.810, 244.820, 244.850, 244.910, 244.915, 244.930, 244.940, 244.945, 244.960, 244.1080, 244.1090, 244.1260, 244.1360, 244.1450, 244.1490, 244.1500, 244.1510, 244.1575, 244.1610, 244.1810, 244.1970, 385.240, 546.80, 547.80, 548.80 and 549.80.

Section 2. That Section 244.430 of the above-entitled ordinance be amended to read as follows:

**244.430. Heating facilities.** The owner of every building containing habitable rooms shall provide heating facilities and shall be required to see that said heating facilities are properly installed, safely maintained and in good working condition, and that said facilities are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein to a minimum temperature of at least sixty-eight (68) degrees Fahrenheit as established herein, measured at a distance of thirty-six (36) inches above floor level, and not closer than thirty-six (36) inches from any wall at all times when the outside temperature is at the design level or above. Between October first and April thirtieth the minimum temperature that the required heating facilities must be capable of safely and adequately maintaining shall be at least sixty-eight (68) degrees Fahrenheit and between May first and fifteenth and between September fifteenth and thirtieth the minimum temperature shall be at least sixty-five (65) degrees Fahrenheit.

Section 3. That Section 244.460 of the above-entitled ordinance be amended to read as follows:

**244.460. Supplied heating to habitable rooms or parts thereof.** Every owner or operator of any building who rents, leases or lets for human habitation any habitable room contained within such building on terms, either expressed or implied, to supply or furnish heat to the occupants thereof, shall maintain a minimum temperature of sixty-eight (68) degrees Fahrenheit, measured in accordance with section 244.430, in all such habitable rooms and bath and toilet rooms let in conjunction therewith; whenever the outside temperature is sixty (60) degrees Fahrenheit, or below, for any continuous twenty-four hour period at all times between October first and April thirtieth. At all times between May first and fifteenth and between September fifteenth and thirtieth the minimum temperature required to be made capable of maintaining pursuant to this section shall be sixty-five (65) degrees Fahrenheit.

Adopted 5/16/2008.

Resolution 2008R-197, amending Resolution 2004R-367 entitled "Approving the adoption of a consolidated and amended schedule of civil fines for administrative offenses," passed August 20, 2004, to specify additional violations of Title 12 (Housing), was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-197**  
**By Remington and Gordon**

**Amending Resolution 2004R-367 entitled "Approving the adoption of a consolidated and amended schedule of civil fines for administrative offenses," passed August 20, 2004, to specify additional violations of Title 12 (Housing).**

Whereas, the City Council has enacted Chapter 2 of the Minneapolis Code of Ordinances (hereinafter "Code") which establishes an administrative enforcement and hearing process for certain violations of the Code; and

Whereas, Section 2.40 of the Code provides that violations of certain provisions of the Code are administrative offenses that may be subject to the administrative enforcement and hearing process; and

Whereas, Section 2.60 of the Code provides for the imposition of a civil fine for administrative offenses; and

Whereas Section 2.70 of the Code provides that the City Council will adopt by Resolution a schedule of civil fines for administrative offenses;

Whereas Resolution 2004R-367 of this Council established a fine schedule for administrative offenses;

Whereas this Council has previously amended that fine schedule according to the authority it is granted to it in Section 2.70 of the Code; and

Whereas the City Council wishes to amend the fine schedule to specify increased civil fine amounts for certain specified violations of Title 12 ("Housing");

Now Therefore Be It Resolved by the City Council of the City of Minneapolis:

That the updated Schedule of Civil Fines, as herein amended, be adopted, to read as follows:

**SCHEDULE OF CIVIL FINES FOR ADMINISTRATIVE OFFENSES**

Adopted by the City Council on 5/16/2008 by Resolution 2008R-197

Unless otherwise specified in the following schedule, the civil fine for an administrative offense enforced pursuant to Chapter 2 of the Minneapolis Code of Ordinances is \$200.

A second or subsequent violation of the same type by the same person or entity in a twenty-four (24) month period of time shall be subject to a fine that is double the amount of the fine imposed for the previous violation, up to a maximum of \$2000 per violation.

| <b>Description of Violation</b>                                    | <b>Code Citation</b> | <b>Fine</b>  |
|--|----------------------|--------------|
| <b><u>Title 3 – Air Pollution and Environmental Protection</u></b> |                      |              |
| Prohibited connections   | 56.70                | \$750        |
| <b><u>Title 4 – Animals and Fowl</u></b>                           |                      |              |
| License Required (dogs and cats)                                   | 64.10                | \$100        |
| Collars and Tags Required  | 64.20                | \$25         |
| Leashing and tethers   | 64.50(a) & 64.50(b)  | \$75         |
| Feces clean up   | 64.50(c)             | \$100        |
| Off leash dog areas; permits and regulations                       | 64.55                | \$75         |
| Dogs and cats in heat  | 64.60                | \$75         |
| Maximum number animals of the dog, cat, ferret, or rabbit kind     | 64.100               | \$50         |
| License required (ferrets)   | 65.10                | \$50         |
| Vaccinations of dogs required                                      | 66.10                | \$100        |
| Vaccination of cats required                                       | 66.20                | \$100        |
| Vaccinations of ferrets required                                   | 66.25                | \$50         |
| Permit required (Fowl, pigeons, and other small animals)           | 70.10                | \$50         |
| Unattended animals in streets, alleys, sidewalks, public places    | 74.10                | \$50         |
| Attachment of animals to trees, posts prohibited                   | 74.20                | \$50         |
| Failure to provide adequate feed, shelter, exercise and space      | 74.60                | \$500        |
| Failure to provide adequate veterinarian care                      | 74.60                | \$1,000      |
| Failure to follow security plan                                    | 74.60                | \$500        |
| Failure to provide required information                            | 74.60                | \$500        |
| Keeping of honeybees   | 74.80                | \$50         |
| <b><u>Title 10 – Food Code</u></b>                                 |                      |              |
| Conducting or Operating a Food Establishment without a License     | 188.160              | \$250        |
| No Glass Outside After 11 PM in Downtown                           | 188.540 (9)          | \$100        |
| <b><u>Title 11 – Health and Sanitation</u></b>                     |                      |              |
| Possessing Drug Paraphernalia in a Public Place                    | 223.235              | \$240        |
| Public Urination   | 227.180              | \$80         |
| <b><u>Title 12 – Housing</u></b>                                   |                      |              |
| Graffiti – Defacement of Property                                  | 244.495 (a)          | \$240        |
| Light and ventilation  | 244.410              | \$500        |
| <u>Heating facilities</u>  | <u>244.430</u>       | <u>\$500</u> |
| <u>Supplied heating to habitable rooms or parts thereof</u>        | <u>244.460</u>       | <u>\$500</u> |
| Prohibited uses  | 244.640              | \$500        |
| Required space in dwelling units                                   | 244.810              | \$500        |
| Dwelling unit to be occupied by one family                         | 244.820              | \$500        |

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|   |                 |              |
|---|-----------------|--------------|
| Basement space may be habitable             | 244.850         | \$500        |
| Attic rooms                                 | 244.940         | \$500        |
| Restricted attic use                        | 244.945         | \$500        |
| Condemnation authorized; requiring vacating | 244.1450        | \$500        |
| <u>License required</u>                     | <u>244.1810</u> | <u>\$500</u> |
| Application for license                     | 244.1840(1)(a)  | \$500        |

**Title 13 – Licenses and Business Regulations**

|  |  |       |
|--|--|-------|
| Operating a Business without a Required License (excluding Pawnshops and Precious Metal Dealers) | Chapters 266 - 350 excluding Chapters 322, 324 | \$250 |
| Operating as a Precious Metal Dealer without a Required License                                  | 322.20   | \$500 |
| Operating as a Pawnshop without a Required License   | 324.30   | \$500 |
| Taxi – Violation of Driver Prohibited Acts   | 341.250  | \$250 |
| Taxi – No Driver's Licenses  | 341.340  | \$250 |
| Taxi – Operate a Taxi without a License  | 341.480  | \$250 |
| Taxi – Defective / Unsealed Meter  | 341.790  | \$250 |

**Title 14 – Liquor and Beer**

|   |             |       |
|---|-------------|-------|
| No Ropes/Stanchions for Sidewalk Café with Liquor   | 360.15 (3)  | \$100 |
| Music Emanating Beyond Confines of Business   | 360.55      | \$100 |
| Liquor Establishment – Litter within 100 Feet of Lot Lines  | 360.95      | \$100 |
| No Glass Outside After 9 PM in Downtown   | 360.100 (k) | \$100 |
| Failure to Post Sign Warning Pregnant Women of Effects of Alcohol, Blood Alcohol Chart, and Consequences of Driving Under the Influence | 360.110     | \$100 |
| No Business License – License Required  |             | \$500 |
| Liquor License Required   | 362.10      |       |
| Wine License Required   | 363.20      |       |
| Beer License Required   | 366.10      |       |
| All Liquor Licenses shall be Posted in a Conspicuous Place  | 362.460     | \$100 |
| Premises to be Open to Inspection   | 362.490     | \$500 |
| Furnishing Liquor to Minors, not Large Venues or Special Events   | 364.10      | \$500 |
| Sales to Obviously Intoxicated Parties  | 364.30      | \$500 |
| Consumption in Public   | 364.40      | \$80  |
| Loitering in Possession of an Open Bottle   | 364.45      | \$80  |
| No Consumption of Liquor on Premises between 2:30 a.m. and 8:00 a.m.  | 364.85      | \$500 |
| Unauthorized Persons on Premises between 2:30 and 5:00 a.m.   |             | \$250 |
| "On Sale" Liquor License  | 364.100     |       |
| Wine or Beer License  | 368.70      |       |
| "On-Sale" Premises without Special Licenses to Close Certain Hours  | 364.100     | \$250 |
| "Spiking" Prohibited  | 368.20      | \$250 |
| Club Sales to Non-Members   | 368.50      | \$250 |
| Sale of Liquor to a Minor   | 370.10      | \$500 |
| Sales or Service by a Minor   | 370.20      | \$500 |
| Consumption by a Minor  | 370.40      | \$160 |
| Withholding of Pertinent Licensing Information on Application   |             | \$200 |
| Renewal   | 362.110     |       |
| New   | 362.120     |       |



|   |                 |                                |
|---|-----------------|--------------------------------|
| Large Venue and Special Events  |                 | Each Incident (I) <sup>1</sup> |
| Special Events: 1 to 10 points of sale (1 incident/sale to minor to be a violation/compliance failure)      | 364.10          | \$500                          |
| Special Events: 11 or more points of sale (2 incidents/sales to minor to be a violation/compliance failure) | 364.10          | \$500 x I                      |
| Large Venues: 30 to 50 points of sale (2 incidents/sales to minor to be a violation/compliance failure)     | 364.10          | \$500 x I                      |
| Large Venues: 51 to 75 points of sale (3 incidents/sales to minor to be a violation/compliance failure)     | 364.10          | \$500 x I                      |
| Large Venues: 76 to 100 points of sale (4 incidents/sales to minor to be a violation/compliance failure)    | 364.10          | \$500 x I                      |
| Large Venues: 101 to 150 points of sale (5 incidents/sales to minor to be a violation/compliance failure)   | 364.10          | \$500 x I                      |
| Large Venues: 151 to 200 points of sale (6 incidents/sales to minor to be a violation/compliance failure)   | 364.10          | \$500 x I                      |
| Large Venues: 201 or more points of sale (7 incidents/sales to minor to be a violation/compliance failure)  | 364.10          | \$500 x I                      |
| <b>Title 15 – Offenses – Miscellaneous</b>  |                 |                                |
| Loitering   | 385.50          | \$240                          |
| Aggressive Solicitation   | 385.60          | \$80                           |
| Lurking   | 385.80          | \$240                          |
| Noise – Amplified Sound from Vehicles   | 389.65 (c)(6)   | \$80                           |
| Noisy/Unruly Assembly; Participating in, Conducting, Visiting, Remaining at or Permitting                   | 389.65(c)(1)    | \$150                          |
| Noisy/Unruly Assembly; Owner, Rental License Holder or Landlord   | 389.65(c)(1)(c) | \$200                          |
| Noise – No Amplified Sound Permit   | 389.105         | \$250                          |
| <b>Title 17 – Streets and Sidewalks</b>   |                 |                                |
| Littering   | 427.30          | \$80                           |
| <b>Title 18 – Traffic Code</b>  |                 |                                |
| Vehicles Displayed for Sale on Public Street  | 478.70          | \$50                           |
| Commercial/Overweight Vehicle Parked in Residential Zone  | 478.240         | \$50                           |
| <b>Title 20 - Zoning Code</b>   |                 |                                |
| Prohibited Home Occupation  | 535.460         | \$250                          |
| Commercial Vehicle Parked in Residential Zone   | 546.80          | \$50                           |
| Business Open After Hours   |                 | \$250                          |
| Residence Districts   | 546.60          |                                |
| Office Residence Districts  | 547.60          |                                |
| C1 Neighborhood Commercial Districts  | 548.240         |                                |

**(Footnotes)**

<sup>1</sup> "I" signifies incidents of sales to underage parties.

|   |         |
|---|---------|
| C2 Neighborhood Corridor Commercial Districts | 548.300 |
| C3A Community Activity Center District        | 548.360 |
| C3S Community Shopping Center District        | 548.420 |
| C4 General Commercial District                | 548.480 |
| Downtown Districts                            | 549.60  |
| Industrial Districts                          | 550.90  |

Adopted 5/16/2008.

**The TAXES Committee submitted the following report:**

**Taxes** - Your Committee recommends approval of the following report of the Minneapolis Board of Appeal and Equalization Special Board of Review:

**Minneapolis Board of Appeal and Equalization  
Report of the Special Board of Review**

The City Clerk submits the report of the Special Board of Review, pursuant to the provisions of an ordinance passed May 30, 1975, by the Minneapolis City Council relating to assessments of market value of real estate, providing for the creation of a Special Board of Review.

The Board met on Tuesday April 22, 2008, was duly sworn, and after being so sworn entered upon the discharge of duties imposed by law on such Board. The Board continued to meet up to and including Friday, May 2, 2008.

The Board equalized the assessments of the assessment rolls of real and personal property located in the City of Minneapolis, County of Hennepin, Minnesota. The Board recommends approval of the Assessor's rolls containing the assessment of real estate and personal property in the districts of the City of Minneapolis, as so revised, amended, equalized, and granted by the Board.

The Board recommends to the City Clerk that copies of the adjustments and corrections made to such assessment rolls be transmitted to the City Council for approval or correction. If approved, the Board recommends such assessment rolls be transmitted to the City Assessor, County Board of Appeal and Equalization, and the State Tax Commissioner with the request that they take such action within their powers as authorized by law to give full effect to the correction and adjustments recommended and made by the Board.

Adopted 5/16/2008.

**The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:**

**T&PW** - Your Committee, having under consideration the City of Minneapolis and Minneapolis Park and Recreation Board Annual National Pollutant Discharge Elimination System Report on the 2008 Minneapolis Stormwater Management Program & 2007 Activities, as set forth in Petn No 272777, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the report as the City's Stormwater Management Plan, pursuant to Chapter 2, Section 14 of the City of Minneapolis National Pollutant Discharge Elimination System Permit #MN0061018.

Adopted 5/16/2008.

Resolution 2008R-198, adopting the Annual National Pollutant Discharge Elimination System Report on the 2008 Minneapolis Stormwater Management Program & 2007 Activities, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for inspection in the office of the City Clerk.

**MAY 16, 2008**

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The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-198**

**By Colvin Roy**

**Adopting the Annual National Pollutant Discharge Elimination System Report on the 2008 Minneapolis Stormwater Management Program & 2007 Activities.**

Whereas, the City of Minneapolis is committed to improving the water quality in the lakes, wetlands, streams and Mississippi River; and

Whereas, on December 1, 2000, the City of Minneapolis was issued National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System Permit #MN0061018 (Permit); and

Whereas, as required under the Permit, a public hearing was held on May 6, 2008; and

Whereas, the Annual NPDES Report on the 2008 Minneapolis Stormwater Management Program & 2007 Activities will now be submitted to the Minnesota Pollution Control Agency;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council hereby adopts the Annual NPDES Report on 2008 Minneapolis Stormwater Management Program & 2007 Activities as the City's Stormwater Management Plan.

Adopted 5/16/2008.

**T&PW** - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the Bloomington Ave S (from 38th St E to Minnehaha Pkwy E) and the 20th Ave S (from Riverside Ave to Minnehaha Ave) Resurfacing Projects.

Adopted 5/16/2008.

Resolution 2008R-199, designating the improvement of existing streets in the Bloomington Ave S and 20th Ave S Street Resurfacing Projects, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-199**

**By Colvin Roy**

**2008 STREET RESURFACING PROGRAM  
BLOOMINGTON AVE S STREET RESURFACING PROJECT  
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5190  
AND  
20TH AVE S STREET RESURFACING PROJECT  
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5191**

**Designating the improvement of certain existing streets in the 2008 Street Resurfacing Program at the locations described hereinafter.**

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed.

**Bloomington Ave South (5190):**

Bloomington Ave S from 38th St E to Minnehaha Pkwy E.

**20th Ave South (5191):**

20th Ave S from Riverside Ave to Minnehaha Ave.

Adopted 5/16/2008.

**T&PW** - Your Committee, having received a cost estimate of \$434,310 for street resurfacing improvements and a list of benefited properties for certain locations in the Bloomington Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5190, and a cost estimate of \$152,000 for street resurfacing improvements and a list of benefited properties for certain locations in the 20th Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5191, both as designated by Resolution 2008R-199 passed May 16, 2008, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2008 Uniform Assessment Rates as per Resolution 2008R-067, passed February 15, 2008.

Your Committee further recommends that a public hearing be held on July 15, 2008, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 5/16/2008.

**T&PW** - Your Committee, having under consideration the Urban Partnership Agreement (UPA) Marquette and 2nd Ave Transit Project, now recommends passage of the accompanying resolution directing the City Engineer to proceed with a formal request for a variance from State Aid Rules to allow the City of Minneapolis to let bids prior to receiving final State Aid approval on the project.

Adopted 5/16/2008.

Resolution 2008R-200, directing the City Engineer to proceed with a formal request for a variance from State Aid to allow the City of Minneapolis to let bids prior to receiving final State Aid approval on the Marquette and 2nd Ave Transit Project, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-200**

**By Colvin Roy**

**Directing the City Engineer to proceed with a formal request for a variance from State Aid to allow the City of Minneapolis to let bids prior to receiving final State Aid approval on the Marquette and 2nd Ave Transit Project.**

Whereas, the City wishes to reconstruct Marquette and 2nd Avenues from 1st to 12th Streets; and  
Whereas, Minnesota Department of Transportation (Mn/DOT) State Aid Rule 8820.2800, subpart 2 requires a variance to allow the City of Minneapolis to let bids prior to receiving final State Aid approval; and

Whereas, State Aid Rules provide that a political subdivision may request a variance from the Rules;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby directed to submit to the Commissioner of Transportation a formal request for a variance from Mn/DOT State Aid Rule 8820.2800, subpart 2, to permit the bid letting prior to receiving final State Aid approval.

Adopted 5/16/2008.

**The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following report:**

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 6945, Accept low bids, as indicated below, to furnish and deliver bituminous mixtures as needed and called for through March 31, 2009:

- Bituminous Roadways, Inc., \$1,075,280;
- Midwest Asphalt Corporation, \$1,600,781;
- Commercial Asphalt Company, \$1,860,333; and

b) OP 6952, Accept low responsive bid of Electric Pump, Inc., for an estimated expenditure of \$70,807, to furnish and deliver submersible mixers to the Public Works Water Division.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 5/16/2008.

**The WAYS & MEANS/BUDGET Committee submitted the following reports:**

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 5/16/2008.

Resolution 2008R-201, authorizing settlement of the following legal matters of Judy Mae Rye and Zachary Herlofsky, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-201**

**By Ostrow**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlements of:

a) Judy Mae Rye (Deceased) v. City of Minneapolis, by payment of \$292,500, payable to Jody Lynn Shuberg, the Trustee for the Next of Kin of Judy Mae Rye and her attorneys, Schwebel, Goetz & Sieben; payable from the Internal Service Self Insurance Fund (06900-1500100-145675).

b) Zachary Herlofsky v. City of Minneapolis, by payment of \$60,000, payable to Zachary Herlofsky and his attorney, Paul Peterson; payable from the Internal Service Self Insurance Fund (6900-150-1500-4000).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the above settlements.

Adopted 5/16/2008.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the Agreement C-22831 with Unisys Corporation to increase the Computer-Aided Dispatch Managed Services Agreement by \$62,796.60 for the remaining 45 months. No additional appropriation required.

Adopted 5/16/2008.

**W&M/Budget** - Your Committee recommends approval of the June 2008 utility billing insert regarding information on resources for homeowners who may be concerned about foreclosure on their properties.

Adopted 5/16/2008.



**W&M/Budget** - Your Committee, having under consideration the Youth Violence Prevention Blueprint for Action Program, now recommends approval of the Empowerment Zone Governance Board Executive Committee recommendation, authorizing \$250,000 from the federal Empowerment Zone grant to the Department of Health and Family Services.

Adopted 5/16/2008.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution approving the terms of a 36-month labor agreement with the Minneapolis City Supervisors Association, effective January 1, 2008 through December 31, 2010.

Adopted 5/16/2008.

Resolution 2008R-202, approving the terms of a 36-month labor agreement with the Minneapolis City Supervisors Association, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-202**  
**By Ostrow**

**Approving the terms of a collective bargaining agreement with the Minneapolis City Supervisors Association and authorizing execution and implementation of said agreement.**

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis City Supervisors Association (Petn No 272786), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 5/16/2008.

**The ZONING & PLANNING Committee submitted the following reports:**

**Z&P** - Your Committee, having under consideration the appeal filed by John Bell on behalf of KK Corporation from the decision of the Planning Commission placing conditions on the approval of a site plan review at 3725-3729 29th Ave S requiring that 1) the fourth floor shall be entirely set back 10 feet from the front of the third floor, and 2) the building height shall not exceed 40 feet as measured from the first floor, now recommends that said appeal be granted, subject to the conditions that: 1) when the property at 3723 39th Ave S is demolished, the demolition is thorough and the applicant submit landscaping plans to City staff; 2) dust levels are kept to a minimum via daily watering when it is not raining; 3) garbage collection occur during daytime hours; and 4) speed bumps be installed in the new alley to be constructed and maintained by the developer; and adopting the changes submitted by the applicant, indicating an average setback of the fourth floor of 10 feet 3 inches, and a building height not to exceed 41 feet from the first floor elevation to the high point of the roof deck.

Adopted 5/16/2008.

**Z&P** – Your Committee concurs in the recommendations of the Planning Commission relating to the applications of KK Corporation (BZZ-3971) for a proposed multi-family dwelling located at the properties of 3725-3729 29th Ave S, and adopting the related findings prepared by the Department of Community Planning & Economic Development, as follows:

A. Granting the petition to rezone the property from R1A to the R5 District, by passage of the accompanying ordinance amending the Zoning Code.

B. Approving the application to vacate a public alley (#1542) at the property, subject to the retention of an easement in favor of Xcel Energy and the dedication of a new alley opening to 29th Ave in the final plat to be recorded with Hennepin County, by passage of the accompanying resolution.

Adopted 5/16/2008.

Ordinance 2008-Or-040 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3725-3729 29th Ave S to the R5 District, was adopted 5/16/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2008-Or-040**  
**By Schiff**  
**1st & 2nd Readings: 5/16/2008**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 22, Block 17, Palmer's Addition to Minneapolis, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, lying northeasterly of the following described Line 1:

Line 1: Beginning at a point on the east line of said Lot 22, distant 10 feet north of the southeast corner thereof; thence northwesterly to a point on the north line of said Lot 22, distant 120 feet east of the northwest corner thereof and there terminating.

and

Lots 23, 24, 25, and 26, Block 17, said addition;

and

That part of Lots 27, 28, and 30, Block 17, Palmers Addition to Minneapolis, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, that lie southwesterly of line 2 as described below:

Line 2: Commencing at the southeast corner of Lot 15, Block 16, Palmer's Addition to Minneapolis, thence easterly along the south block line of Block 17, said addition, on an assumed azimuth of 89 degrees, 44 minutes, 28 seconds a distance of 417.51 feet to the Point of Beginning of Line 2; thence northwesterly on an azimuth of 334 degrees, 25 minutes, 49 seconds a distance of 692.67 feet and there terminating.

EXCEPT

The south 3.00 feet of Lot 23, Block 17, Palmer's Addition to Minneapolis, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, lying southwesterly of the following described Line B:

AND

That part of Lot 22, Block 17, Palmer's Addition to Minneapolis, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, lying northeasterly of the following described Line A and southwesterly of the following described Line B:

Line A: Beginning at a point on the east line of said Lot 22, distant 10 feet north of the southeast corner thereof; thence northwesterly to a point on the north line of said Lot 22, distant 120 feet east of the northwest corner thereof and there terminating.

Line B: Beginning at a point on the east line of Lot 22, distant 32.50 feet north of the southeast corner thereof; Thence northwesterly to a point on the north line of the south 3.00 feet of said Lot 23, distant 118.00 feet east of the west line thereof and there terminating.

(3725-3729 29th Ave S - Plate 27) to the R5 District.

Adopted 5/16/2008.

Resolution 2008R-203, vacating a portion of the public alley on the block bound by 38th St E and 29th Ave S, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-203  
By Schiff**

**Vacating part of the alley on the block bound by 38th St E and 29th Ave S (# 1542).**

Resolved by The City Council of The City of Minneapolis:

That part of the alley as dedicated in Block 17, Palmer's Addition to Minneapolis, according to the recorded plat thereof on file, Hennepin County, Minnesota, lying north of a line that is parallel with and 16.00 feet north of the easterly line extension of the south line of Lot 23, said Block 17 and lying south and west of the following described line: Commencing at the southeast corner of Lot 15, Block 16, Palmer's Addition to Minneapolis, thence easterly along the south block line of Block 17, said Addition, on an assumed azimuth of 89 degrees 44 minutes 28 seconds a distance of 417.51 feet to the point of beginning of the line to be described; thence northwesterly on an azimuth of 334 degrees, 25 minutes, 49 seconds a distance of 629.67 feet and there terminating;

is hereby vacated except that such vacation shall not affect the existing easement rights and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy, an easement under and across the easterly 5 feet of that portion to be vacated. to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 5/16/2008.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of Catholic Eldercare to vacate part of 10th Ave NE, part of 2nd St NE, and part of an alley adjacent to 917 - 1001 2nd St NE (#1537), subject to an easement and compensation to the Minneapolis Park and Recreation Board for four boulevard trees, to permit construction of a 5-story, 66-unit senior housing facility, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said streets and alley.

Adopted 5/16/2008.

Declining to vote - Hofstede.

Resolution 2008R-204, vacating a portion of 10th Ave NE, 2nd St NE, and the public alley adjacent to 917-1001 2nd St NE, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-204**

**By Schiff**

**Vacating part of 10th Ave NE, part of 2nd St NE, and part of an Alley adjacent Block 4, Bottineau's Addition to Minneapolis (# 1537).**

Resolved by The City Council of The City of Minneapolis:

"That part of the alley in Block 4, Bottineau's Addition to Minneapolis, according to the recorded plat thereof, lying northwesterly of the northeasterly extension of the southeasterly line of Lot 6, said Block 4, and lying southeasterly of the northeasterly extension of the northwesterly line of said Lot 6.

And;

The Southeasterly half of 10th Avenue NE, as dedicated in Bottineau's Addition to Minneapolis, according to the recorded plat thereof, lying southwesterly of the northwesterly extension of the southwesterly line of Lot 5, Block 4, said Addition, and lying northeasterly of the northwesterly extension of the southwesterly line of Lot 6, said Block 4.

And;

That part of 2nd Street NE, as dedicated in Bottineau's Addition to Minneapolis, according to the recorded plat thereof, lying southeasterly of the centerline of 10th Avenue NE, as dedicated in Bottineau's Addition, and it's southwesterly extension; lying northwesterly of the southwesterly extension of the southeasterly line of Lot 8, Block 4, said Addition; and lying northeasterly of a line that is parallel with the southwesterly line of said Block 4 and that passes through the intersection of the centerline of said 10th Avenue NE with a line 80.00 feet northeasterly of, measured at right angles to and parallel with, the southwesterly line of 2nd Street NE as described in Doc. No. 1879677, as of record in the Hennepin County Records office, Minneapolis, Minnesota.

**Easement:**

That part of Block 4, Bottineau's Addition to Minneapolis, described as commencing at the southeasterly corner of the northwesterly half of Lot 8, said Block 4; thence northwesterly along the northeasterly line of said Lot 8 a distance of 1.10 feet to the point of beginning of the right of way to be described; thence westerly 37.45 feet along a tangential curve concave to the south having a radius of 25.00 feet and a central angle of 85 degrees 49 minutes 07 seconds; thence northerly, 113.54 feet along a reverse curve concave to the northeast having a radius of 37.00 feet and a central angle of 175 degrees 49 minutes 07 seconds; thence northeasterly, tangent to said curve, to the intersection with the northwesterly extension of the northeasterly line of said Lot 8; thence southeasterly along said northwesterly extension and the northeasterly line of said Lot 8 to the point of beginning. All according to the plat of record at the Hennepin County Records office, Minneapolis, Minnesota.

Adopted 5/16/2008.

Declining to vote - Hofstede.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Capital Growth Realty in relation to the Longfellow Station Phase 1A project (BZZ-3908) to rezone the property at 3815 Hiawatha Ave from I2 to the C3A Community Activity District, retaining the PO Pedestrian Oriented Overlay District, to permit a planned unit development including 198 dwelling units and approximately 42,000 square feet of commercial area, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 5/16/2008.

Ordinance 2008-Or-041 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3815 Hiawatha Ave to the C3A District, was adopted 5/16/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2008-Or-041**  
**By Schiff**  
**1st & 2nd Readings: 5/16/2008**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of The Northwesterly 69 feet of that part of Lot 1, "Auditor's Subdivision Number 300 Hennepin County, Minnesota" described as follows: Commencing at a point in the Southwesterly line of Lot 1, distant 321.65 feet Northwesterly from the Southwest corner thereof, thence Northeasterly at right angles 134 feet; thence Northwesterly to most Easterly corner of Lot 1, Auditor's Subdivision Number 244 Hennepin County, Minnesota; thence Southwesterly to most Southerly corner thereof; thence Southeasterly to beginning, Hennepin County, Minnesota.

And,

That part of Lot 1, "Auditor's Subdivision Number 300 Hennepin County, Minnesota" described as follows: Commencing at a point on the Southwesterly line of Lot 1, distant 321.65 feet Northwesterly from the Southwest corner thereof, thence Northeasterly at right angles 134 feet; thence Northwesterly to most Easterly corner of Lot 1, Auditor's Subdivision Number 244; thence Southwesterly to most Southerly corner thereof; thence Southeasterly to beginning, EXCEPT the Northwesterly 69 feet thereof and EXCEPT the Southeasterly 147.59 feet thereof, Hennepin County, Minnesota.

And,

All that portion of Lot 1, Auditor's Subdivision Number 300 of the City of Minneapolis lying between the Northeasterly line thereof and a line drawn parallel to, Southwesterly and 31 feet distant, measured at right angles from said Northeasterly line of said Lot 1, Hennepin County, Minnesota.

And,

Lot 1, "Auditor's Subdivision Number 244, Hennepin County, Minnesota", according to the recorded plat thereof, Hennepin County, Minnesota. (3815 Hiawatha Ave - Plate 33) to the C3A District.

Adopted 5/16/2008.

**Z&P** – Your Committee, having under consideration the Audobon Park Small Area Plan, now recommends concurrence in the recommendation of the Planning Commission that the findings prepared by the Department of Planning & Economic Development staff be adopted, and that said Plan be adopted as a small area plan and as an articulation of and amendment to the policies found in the City's comprehensive plan, subject to the following changes:

- a) on page 15, change the last bullet in left column from "over" to "in addition to";
- b) amend the policy guidance for the area into the City's comprehensive plan.

Adopted 5/16/2008.

**MOTIONS**

Lilligren moved to amend the Council action of January 2, 2008, relating to City Council appointment of Council Members on boards and commissions, by recommending to the League of Minnesota Cities Board that Council Member Hodges replace Council Member Ostrow as the City Council representative on the League of Minnesota Cities. Seconded.

Adopted upon a voice vote 5/16/2008.



**MAY 16, 2008**

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Colvin Roy moved to set a public hearing to be held on June 3, 2008, at 1:30 p.m., at a Special Transportation & Public Works Committee meeting to receive comment regarding the Central Corridor Light Rail Transit (LRT) preliminary design plans. Seconded.

Adopted upon a voice vote 5/16/2008.

## **RESOLUTIONS**

Resolution 2008R-205, naming the Midtown Greenway bicycle/pedestrian bridge over Hiawatha Ave to honor former Congressman Martin Olav Sabo, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### **RESOLUTION 2008R-205**

**By Colvin Roy, Johnson, Ostrow, Gordon, Hofstede, Samuels,  
Lilligren, Goodman, Glidden, Schiff, Remington, Benson, and Hodges**

**Naming the Midtown Greenway bicycle/pedestrian bridge over Hiawatha Avenue to honor former Congressman Martin Olav Sabo.**

Whereas, Martin Olav Sabo represented, with distinction, the City of Minneapolis, the state of Minnesota and the nation as a member of the Minnesota State House for 18 years (1960-1978) and as a member of the United States Congress for 28 years (1979-2006); and

Whereas, Congressman Sabo was a tireless advocate for the citizens of Minneapolis, of Minnesota and of the nation; and

Whereas, Martin Sabo's leadership in the Minnesota State House as Speaker delivered the "Minnesota Miracle", and in Washington, D.C. as Chair of the House Budget Committee he was instrumental to the 1993 Legislation that set our nation on a course to a balanced budget; and

Whereas, Martin Sabo was a legislator who always put the interest of the common good first; and

Whereas, part of the legacy of Congressman Sabo is improved and increased transportation alternatives for Minneapolis and the other cities he represented, such as the Hiawatha Light Rail Transit line; and

Whereas, in 2007, Minneapolis has the second highest percentage of people who bike to work of 50 major U.S. cities, and has nearly one hundred miles of bicycle trails and on-street dedicated bicycle lanes; and

Whereas, the bike bridge across Hiawatha Avenue is the last link in a bike trail extending across all of Hennepin County; and

Whereas, Congressman Sabo was essential to the creation of this bike bridge and the entire Midtown Greenway; and

Whereas, the City of Minneapolis would like to demonstrate its appreciation and heartfelt thanks to Congressman Sabo for all his years of advocacy to improve the lives of all our citizens by naming this bike bridge in his honor; and

Whereas, the residents of Minneapolis understand this gesture of appreciation to the longest consecutively serving elected official in Minnesota history, the State's "number one Twins fan", a legislator whose efforts to make our state and nation a better place are represented by the countless lives he made better. As this bridge reaches toward the sky, so too does our appreciation for Martin Sabo's profound public service;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we extend our sincere appreciation to Martin Olav Sabo for his efforts that improved the lives of the people of the City of Minneapolis.

Be It Further Resolved that the Midtown Greenway Bridge over Hiawatha Avenue shall be named the Martin Olav Sabo Bridge.

Adopted 5/16/2008.

Resolution 2008R-206, declaring the week of May 18, 2008 as National Public Works Week, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-206**

**By Colvin Roy, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren,  
Goodman, Glidden, Schiff, Remington, Benson, and Hodges**

**Declaring the week of May 18, 2008 as National Public Works Week.**

Whereas, the United States Senate resolved in 1960 to affirm the first National Public Works Week to be held the third full week in May; and

Whereas, National Public Works Week is a celebration of men and women in North America who provide and maintain the infrastructure and services collectively known as public works; and

Whereas, the Minneapolis City Council seeks to recognize its skilled and knowledgeable Public Works employees who serve residents and other city departments every day with dedication, in the interest of the public good; and

Whereas, on August 1st, 2007, Public Works employees responded with skill, courage, and compassion when the 35W Bridge collapsed. Their response earned them the American Public Works Association's award for Exceptional Performance in Adversity Award for 2008; and

Whereas, through the dedicated work of Public Works employees in partnership with many other people, Minneapolis had ZERO Combined Sewer Overflow events in 2007 for the first time since the 1870s; and

Whereas, Minneapolis Public Works Department recognizes its place as a part of the larger community by creating strong and lasting partnership with city schools and colleges; and

Whereas, Minneapolis Public Works employees are currently providing critical support to a number of landmark projects in the city, including the new I35W Bridge, Central Corridor LRT, Twins Stadium, I35W Crosstown Commons, and Gopher Football Stadium; and

Whereas, Minneapolis Public Works continues to be a part of making Minneapolis one of the best bicycling cities in the nation, recently earning Silver Certification from the League of American Bicyclists and seeing the opening of a new Minneapolis Landmark - the Martin Olav Sabo bridge - which provides an important connection along the Midtown Greenway; and

Whereas, Public Works employees continue to support the City's sustainability goals by adding 18 gas electric hybrid vehicles to the city fleet in 2007 and playing an integral role in securing a \$2 million grant to build the largest solar array in the upper Midwest; and

Whereas, Public Works employees provide critical services such as high quality, safe drinking water and unmatched solid waste, recycling, and yard waste collection services every day;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council acknowledges the significant daily contribution that the employees within the Public Works Department of the City of Minneapolis provide to the citizens and businesses throughout the City, during National Public Works Week.

Adopted 5/16/2008.

Resolution 2008R-207, commending the Minneapolis recipients of the 2007 Commuter Choice Awards, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-207**

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren,  
Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges**

**Commending the Minneapolis Recipients of the 2007 Commuter Choice Awards.**

Whereas, Minneapolis faces a grave challenge in the form of increasing impacts of reliance on single-occupancy automobiles, including environmental degradation, increased congestion and lost productivity, decreased physical activity, and rising obesity rates; and

Whereas, meeting this challenge requires innovative approaches to shift the focus of our transportation system away from single-occupancy automobile use and toward cleaner, more efficient, and healthier modes of conveyance; and

Whereas, the Metropolitan Council, Metro Transit and regional Transportation Management Organizations (TMOs), including the Minneapolis TMO, partner to create a network of transportation services that support employers and commuters; and

Whereas, the partnership created the Commuter Choice Awards to honor organizations and individuals for their creative solutions in promoting alternatives to driving to work alone, including transit, bicycle commuting, carpooling, vanpooling, and telecommuting; and

Whereas, these programs have helped improve the quality of life in the Twin Cities metro area by reducing pollution and congestion on roadways and making employees' daily commutes more enjoyable; and

Whereas, the University of Minnesota Twin Cities campus won the 2007 award for Outstanding Promotion for the work of its Parking and Transportation Services department in implementing a transit and transportation response plan to reduce single-occupancy car trips to the University after the I-35W bridge collapse; and

Whereas, Minneapolis Community and Technical College won the 2007 University or School Award for promoting options such as the Go-To College Pass for students, offering more bike racks and adding parking for motorcycles; and

Whereas, Minneapolis-based engineering firm Dunham won the 2007 Rookie of the Year Award for providing unlimited-ride Metropasses to employees at no cost; and

Whereas, Thomas Ruffaner of Augsburg College won the 2007 Individual Achievement Award for advocating for public transportation and alternative commuting at the college by encouraging college leaders to implement discounts on transit passes and to offer the Go-To College Pass program for students;

Now, Therefore, Be It Resolved by The City Council of The City Minneapolis:

That the City thanks each Minneapolis winner for their invaluable contributions to the health of our transportation system and the livability of our City, and applauds them for their leadership in pushing toward a sustainable future.

Adopted 5/16/2008.

**UNFINISHED BUSINESS**

Pursuant to previous notice (5/2/2008), Schiff moved to introduce the subject matter of an ordinance amending Title 5, Chapter 108 of the Minneapolis Code of Ordinances relating to *Building Code: Parking Ramps*, for referral to the Public Safety & Regulatory Services Committee (requiring operators of parking ramps to accept credit and debit card payments). Seconded.

Adopted upon a voice vote 5/16/2008.

**NEW BUSINESS**

Resolution 2008R-208, designating polling places for the September 2008 Primary and the November 2008 State General and School Board Election, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-208**

**By Glidden, Ostrow, Gordon, Hofstede, Johnson, Samuels,  
Lilligren, Goodman, Schiff, Remington, Benson, Colvin Roy, Hodges**

**Designating polling places for the 2008 elections.**

Resolved by The City Council of The City of Minneapolis:

That the following polling places be designated for the September 2008 Primary and the November 2008 State General and School Board Election:

**FIRST WARD**

**PRECINCT**

- 1 - Golf Building, Columbia Park, 3300 Central Ave NE
- 2 - Waite Park, 1810 34th Ave NE
- 3 - Northeast Middle School, 2955 Hayes St NE (*in Media Center*)
- 4 - Audubon Park, 1320 29th Ave NE
- 5 - Windom Park Building, 2251 Hayes St NE (*Hayes & 23rd - School Annex*)
- 6 - Parker Skyview Highrise, 1815 Central Ave NE
- 7 - Elections Warehouse, 724B Harding St NE
- 8 - River Village, 2919 Randolph St NE
- 9 - Edison High School Gym, 700 22nd Ave NE
- 10 - Holland Highrise, 1717 Washington St NE

**SECOND WARD**

**PRECINCT**

- 1 - Heltzer Manor Highrise, 2121 Minnehaha Ave
- 2 - Brackett Park, 2728 39th Ave S
- 3 - Van Cleve Park, 901 15th Ave SE
- 4 - Coffman Union, 300 Washington Ave SE
- 5 - Pratt Community School, 66 Malcom Ave SE
- 6 - St. Frances Cabrini Church, 1500 Franklin Ave SE
- 7 - Seward Square Apartments, 2121 9th St S
- 8 - Seven Corners Apartments, 1400 2nd St S
- 9 - Seward Towers East, 2910 Franklin Ave E
- 10 - Coyle Community Center, 420 15th Ave S
- 11 - Grace University Lutheran Church, 324 Harvard St SE

**THIRD WARD**

**PRECINCT**

- 1 - University Lutheran Church of Hope, 601 13th Ave SE
- 2 - First Congregational Church of MN, 500 8th Ave SE
- 3 - Marcy Open School, 415 4th Ave SE
- 4 - Spring Manor Highrise, 828 Spring St NE
- 5 - St Marons Catholic Church, 219 6th Ave NE
- 6 - East Side Neighborhood Services, 1700 2nd St NE
- 7 - Cityview Performing Arts Magnet School, 3350 4th St N
- 8 - Farview Park, 621 29th Ave N
- 9 - Lynway Manor, 2415 3rd St N

**FOURTH WARD**

**PRECINCT**

- 1 - Creekview Community Center, 5001 Humboldt Ave N
- 2 - Olson/Lind Lower Campus School, 5025 Bryant Ave N
- 3 - Shingle Creek Commons, 4600 Humboldt Ave N
- 4 - Loring Community School, 2600 44th Ave N
- 5 - Henry High School, 2020 43rd Ave N
- 6 - Hamilton Manor Highrise, 1314 44th Ave N
- 7 - Luther Memorial Church, 3751 Sheridan Ave N
- 8 - Parkway United Church of Christ, 3120 Washburn Ave N
- 9 - Folwell Community Center, 1615 Dowling Ave N
- 10 - Oliver Manor Highrise, 3116 Oliver Ave N

**FIFTH WARD**

**PRECINCT**

- 1 - Minneapolis Urban League, 2100 Plymouth Ave N
- 2 - North Regional Library, 1315 Lowry Ave N
- 3 - Rainbow Terrace, 1710 Plymouth Ave N
- 4 - North Point Health & Wellness Center, Inc., 1315 Penn Ave N
- 5 - Lyndale Manor Highrise, 600 18th Ave N
- 6 - Heritage Commons at Pond's Edge, 350 Van White Memorial Blvd
- 7 - Phyllis Wheatley Community Center – Bethune Park , 1301 10th Ave N
- 8 - St. Anne's Housing, 2323 26th Ave N
- 9 - Lundstrum Center for the Performing Arts, 1617 2nd St N
- 10 - River of Life Lutheran Church, 2200 Fremont Ave N

**SIXTH WARD**

**PRECINCT**

- 1 - Whittier International School, 315 26th St W
- 2 - Whittier Park, 425 26th St W
- 3 - Minnesota Church Center, 122 Franklin Ave W *(use Pillsbury Ave entrance)*
- 4 - First Christian Church, 2201 1st Ave S
- 5 - Franklin Library, 1314 Franklin Ave E
- 6 - Pentagon Highrise, 1415 22nd St E
- 7 - Ebenezer Towers, 2523 Portland Ave S
- 8 - Ebenezer Park Apartments, 2700 Park Ave

**SEVENTH WARD**

**PRECINCT**

- 1 - Bryn Mawr Community School, 252 Upton Ave S
- 2 - St. Paul's Episcopal Church, 1917 Logan Ave S
- 3 - First Unitarian Society, 900 Mount Curve Ave
- 4 - Jones Harrison Residence, 3700 Cedar Lake Ave
- 5 - Oak Grove Towers, 215 Oak Grove St
- 6 - Towers Apartments (Lobby Annex), 15 1st St S
- 7 - Heritage Landing, 415 1<sup>st</sup> St N
- 8 - Emerson Spanish Immersion School, 1421 Spruce Place
- 9 - Central Lutheran Church, 333 12th St S
- 10 - Augustana Health Care Center, 1007 14th St E
- 11 - Open Book, 1011 Washington Ave S



**EIGHTHWARD**

**PRECINCT**

- 1 - Central Gym Park, 3450 4th Ave S (*use 4th Ave S entrance*)
- 2 - Office of Indian Ministries, 3045 Park Ave
- 3 - Hosmer Library, 347 36th St E
- 4 - Holy Name Church, 3637 11th Ave S
- 5 - Sabathani Community Center, 310 38th St E
- 6 - Martin Luther King Park, 4055 Nicollet Ave
- 7 - Martin Luther King Park, 4055 Nicollet Ave
- 8 - Bancroft School, 1315 38th St E
- 9 - Bethel Evangelical Lutheran Church, 4120 17th Ave S
- 10- St. Joan of Arc Gymnasium, 4537 3rd Ave S

**NINTHWARD**

**PRECINCT**

- 1 - Holy Trinity Lutheran Church, 2730 31st St E
- 2 - Sullivan Community School, 3100 28th St E
- 3 - Spirit of the Lakes United Church of Christ, 2930 13th Ave S
- 4 - Little Earth of United Tribes NELC, 2438 18th Ave S
- 5 - Powderhorn Park Building, 3400 15th Ave S
- 6 - Corcoran Neighborhood Center, 3334 20th Ave S
- 7 - Powderhorn Park Building, 3400 15th Ave S
- 8 - Sibley Park Recreation Center, 1900 40th St E
- 9 - Longfellow Park, 3435 36th Ave S
- 10- Andersen School, 2727 10th Ave S (*use Andersen Lane entrance*)
- 11- Hiawatha Towers Highrise, Bldg #2, 2121 16th Ave S

**TENTHWARD**

**PRECINCT**

- 1 - Jefferson Community School, 1200 26th St W
- 2 - Ballentine VFW Post, 2916 Lyndale Ave S
- 3 - St. Mary's Greek Orthodox Church, 3450 Irving Ave S
- 4 - Bryant Square Park, 3101 Bryant Ave S
- 5 - Horn Towers Highrise, 3121 Pillsbury Ave
- 6 - First Universalist Church, 3400 Dupont Ave S
- 7 - Painter Park, 620 34th St W
- 8 - Walker Methodist Home, 3737 Bryant Ave S
- 9 - Lyndale School, 312 34th St W
- 10- Temple Israel, 2324 Emerson Ave S (*use Fremont Ave entrance*)
- 11- Walker Library, 2880 Hennepin Ave

**ELEVENTHWARD**

**PRECINCT**

- 1 - Knox Presbyterian Church, 4747 Lyndale Ave S
- 2 - Washburn High School, 201 49th St W
- 3 - Mayflower Church, 106 Diamond Lake Road E
- 4 - Richfield Lutheran Church, 8 60th St W
- 5 - Pearl Community Center, 414 Diamond Lake Road E
- 6 - Diamond Lake Lutheran Church, 5760 Portland Ave S
- 7 - McRae Park Building, 906 47th St E
- 8 - Our Lady of Peace Church, 5426 12th Ave S
- 9 - Wenonah School, 5625 23rd Ave S

**TWELFTH WARD**

**PRECINCT**

- 1 - Sandford Middle School, 3524 42nd Ave S
- 2 - Dowling Urban Environmental School, 3900 River Pkwy W
- 3 - St Peders Lutheran Church, 4600 42nd St E
- 4 - Hiawatha Community School, 4201 42nd Ave S
- 5 - Keewaydin Neighborhood Center, 3030 53rd St E
- 6 - Minnehaha United Methodist Church, 3701 50th St E
- 7 - Minnesota Veterans Home (Bldg. #17), 5101 Minnehaha Ave
- 8 - St. Helena Catholic Church, 3201 43rd St E (*use Parking lot entrance*)
- 9 - Trinity Lutheran Church of Minnehaha Falls, 5212 41st Ave S
- 10- Morris Park, 5531 39th Ave S
- 11- Nokomis Community Center, 2401 Minnehaha Pkwy E

**THIRTEENTH WARD**

**PRECINCT**

- 1 - Bakken Library, 3537 Zenith Ave S
  - 2 - Lake Harriet Community School - Lower Campus, 4030 Chowen Ave S
  - 3 - Linden Hills Park, 3100 43rd St W
  - 4 - Pershing Neighborhood Center, 3523 48th St W
  - 5 - Mt. Olivet Lutheran Church, 5025 Knox Ave S
  - 6 - Lynnhurst Community Center, 1345 Minnehaha Pkwy W (*use Pkwy entrance*)
  - 7 - Visitation Church, 4530 Lyndale Ave S
  - 8 - Armatage Neighborhood Center, 5701 Russell Ave S
  - 9 - Anthony Middle School, 5757 Irving Ave S
  - 10- Kenny Community School, 5720 Emerson Ave S
- Adopted 5/16/2008.

Resolution 2008R-209, endorsing and supporting *Kids Voting Minnesota*, was adopted 5/16/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2008R-209**

**By Glidden, Ostrow, Gordon, Hofstede, Johnson, Samuels,  
Lilligren, Goodman, Schiff, Remington, Benson, Colvin Roy, Hodges**

**Endorsing and supporting Kids Voting Minneapolis.**

Whereas, with the ratification of the 26th amendment in 1971, lowering the voting age to 18, there was great hope and enthusiasm for the younger generation of this nation sharing a great voice in American democracy; and

Whereas, the great expectations have been met with declining political participation among youth; and

Whereas, in 1998 fewer than one in five 18 - 24 year olds chose to vote; and

Whereas, in February 1999 "A Survey of Youth Attitudes Nationwide," commissioned by the National Association of Secretaries of State, found that young people aged 18 - 24 were dropping out of the electoral process for a number of reasons: they felt ignored by politicians, they felt their vote really didn't count, and they said they didn't get the kind of information they needed to vote; and

Whereas, that study found that young people lack interest, trust and knowledge when it comes to American government; and

Whereas, in 2004, 47% of 18 - 24 year olds voted; and

Whereas, in Minnesota in 2004 nearly 200,000 18 - 24 year olds did not vote; and

Whereas, internationally the United States now ranks 139th out of 172 democracies in their rate of voter participation; and

Whereas, Kids Voting Minneapolis through its K-12, grade specific, learn-by-doing classroom lessons and activities and teacher training, prepares students for a lifetime of voting and civic participation in our democracy; and

Whereas, Kids Voting Minneapolis students are taught about the rights, responsibilities and privileges of voting and the importance of becoming an informed voter; and

Whereas, on Election Day students go to the official polls with their parents to vote on a specially-designed Kids Voting Minneapolis ballot containing many of the same candidates and issues that the official adult ballot contains; and

Whereas, research has confirmed the impact of the Kids Voting program on voting patterns and civic participation. In communities with Kids Voting programs, the voting rate for registered 18-year-olds is 14% higher than their non-participating peers and adult voter turnout increases as much as 5%; and

Whereas, Minneapolis businesses, civic groups, governmental entities hundreds of community volunteers have added their support to Kids Voting Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council does hereby endorse and support ***Kids Voting Minneapolis***. Support includes educating election judges about Kids Voting Minneapolis, delivering Kids Voting materials to and from polling places on Election Day, and coordinating Election Day activities to ensure a smooth process for kids and adult voters.

Adopted 5/16/2008.

Colvin Roy moved to introduce the subject matter of the following ordinances amending Title 17 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks* for first reading and referral to the Transportation & Public Works Committee:

a) Adding a new Chapter 462 relating to Special Service Districts (creating the East Lake Street Special Service District); and

b) Adding a new Chapter 463 relating to Special Service Districts (creating the Lyndale-Lake Special Service District). Seconded.

Adopted upon a voice vote 5/16/2008.

Schiff moved to introduce the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (to require children's play space accessory to certain buildings in multiple-family residence districts), as follows:

a) Amending Chapter 520 related to Zoning Code: Introductory Provisions; and

b) Amending Chapter 535 related to Zoning Code: Regulations of General Applicability;

c) Amending Chapter 536 related to Zoning Code: Specific Development Standards;

d) Amending Chapter 546 related to Zoning Code: Residence Districts. Seconded.

Adopted upon a voice vote 5/16/2008.

Johnson moved to introduce an ordinance amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Mpls Fire Department; Fire Prevention Bureau for first reading and referral to the Public Safety & Regulatory Services Committee (increasing fees for fire protection system permits). Seconded.

Adopted upon a voice vote 5/16/2008.

Goodman moved to introduce the subject matter of an ordinance amending Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation* by adding a new Chapter 235 entitled *Dogs; Outdoor Food and Beverage Service Establishments*, for first reading and referral to the Public Safety & Regulatory Services Committee (authorizing qualifying licensed food and beverage service establishments to obtain a permit to allow dogs to accompany persons patronizing designated outdoor areas of such establishments, subject to certain minimum requirements). Seconded.

Adopted upon a voice vote 5/16/2008.

Lilligren moved to adjourn to Room 315 City Hall to consider the following lawsuits: Shapira, et al. v. City of Minneapolis; Moore v. Indehar; the Minneapolis Refuse Inc lawsuit; and Flowers v. City of Minneapolis. Seconded.

Adopted upon a voice vote 5/16/2008.

Room 315 City Hall

Minneapolis, Minnesota

May 16, 2008 - 11:34 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Goodman, Hodges, Samuels, Gordon, Ostrow, Colvin Roy, Glidden, Remington, Benson, President Johnson.

Absent – Council Members Hofstede, Schiff, Lilligren.

Assistant City Attorney James Moore stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the Shapira, et al. v. City of Minneapolis; Moore v. Indehar; the Minneapolis Refuse Inc lawsuit; and the Flowers v. City of Minneapolis lawsuit.

At 11:36 a.m., Ostrow moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent – Hofstede, Schiff, Lilligren.

Present - Council Members Goodman, Hodges, Samuels (Out at 11:37 a.m.; In at 11:39 a.m.), Gordon (Out at 1:29 p.m.; In at 1:32 p.m.), Hofstede (In at 11:39 a.m.; Out at 1:26 p.m.; In at 1:30 p.m.), Ostrow, Schiff (In at 11:37 a.m.), Lilligren (In at 11:38 a.m.; Out at 11:58 a.m.; In at 12:01 p.m.; Out at 1:27 p.m.; In at 1:35 p.m.), Colvin Roy (Out at 11:38 a.m.; In at 11:41 a.m.), Glidden, Remington (Out at 12:52 p.m.; In at 12:54 p.m.), Benson, President Johnson.

Also present – Susan Segal, City Attorney; James Moore, Darla Boggs and Lynne Fundingsland (Out at 11:52 a.m.), Assistant City Attorneys; Valerie Wurster (Out at 11:52 a.m.; In at 12:55 p.m.; Out at 1:35 p.m.), Deputy Police Chief; Steve Kotke (In at 11:52 a.m.; Out at 12:55 p.m.), City Engineer; Heidi Hamilton (In at 11:52 a.m.; Out at 12:55 p.m.) and Susan Young (In at 11:52 a.m.; Out at 12:55 p.m.), Department of Public Works; R. T. Rybak, Mayor (Out at 1:35 p.m.); Tina Smith, Mayor's Office (Out at 12:52 p.m.; In at 12:55 p.m.; Out at 1:35 p.m.); Steven J. Ristuben, City Clerk; and Jackie Hanson, City Clerk's Office.

Fundingsland summarized the *Moore v. Indehar* lawsuit from 11:37 a.m. to 11:52 a.m.

Moore summarized the *Minneapolis Refuse Inc* lawsuit from 11:52 a.m. to 12:55 p.m.

Moore summarized the *Flowers v. City of Minneapolis* lawsuit from 12:55 p.m. to 1:26 p.m.

Moore summarized the *Shapira, et al. v. City of Minneapolis* lawsuit from 1:26 p.m. to 1:35 p.m.

At 1:37 p.m., Johnson moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Lilligren moved to authorize the settlement of the case of the *Shapira, et al v. City of Minneapolis, et al.*, United States District Court File No.: 06-2190 (MJD/SRN) as follows:

Upon the agreement of the State of Minnesota and Hennepin County to contribute the money each entity received pursuant to the "Stop on Red" ordinance to settlement funds described herein, and upon approval by the United States District Court the City will:

1. Agree to the establishment of a Settlement Class in the above-entitled matter; and

2. Pay all money received by the City under the Stop on Red ordinance, less any amounts that have previously been refunded to individual claimants, into settlement funds for distribution to individuals who received Stop on Red citation. One such fund will be for distribution to class members (net of court-ordered attorneys fees, class representative payments and costs). The second fund will be for individuals who opt out of the class and pursue a motion to reopen their individual case in Hennepin County District Court; and

3. Agree to pay the cost of a class administrator to mail class notices and process payment to class members of such amounts as may be authorized under the settlement; and

4. Agree to pay the cost of a second third party administrator to process and pay reimbursement to any claimant who opts out of the class and files a "motion to reopen"; and

5. Agree to pay \$10,000 to the State of Minnesota as reimbursement for administrative expenses incurred in expunging drivers' license records of individuals who were convicted under the Stop on Red ordinance; and

6. Agree to pay for the cost of publication of a notice of class action settlement in the Star Tribune; and

7. Agree to place the notice of class action settlement on the City's website; and

8. Agree not to communicate with class members about the settlement except as described herein; and

9. Authorize the City Attorney to execute any documents necessary to effectuate this settlement. Seconded.

Adopted 5/16/2008.

**The TRANSPORTATION & PUBLIC WORKS Committee submitted the following report:**

**T&PW & W&M/Budget** - Your Committee, having under consideration the contract with Minneapolis Refuse, Inc. (MRI) for the collection of garbage, recycling, problem materials (metals) and yard wastes for one-half of the City's dwelling units (MRI-side of the City), now recommends:

**T&PW** - That the proper City officers be authorized to extend the contract with MRI, continuing all terms and conditions of the current contract, through June 30, 2009.

**W&M/Budget** - That the proper City officers be authorized to extend the contract with MRI, continuing all terms and conditions of the current contract, through February 1, 2009.

Ostrow moved that the report be amended to read as follows:

That staff be directed to negotiate an extension to the City's contract with Minneapolis Refuse, Inc. (MRI) for the collection of garbage, recycling, problem materials (metals) and yard wastes for one-half of the City's dwelling units (MRI-side of the City) through February 1, 2009, and report back to the City Council with the terms and conditions of the contract. Further, that Public Works staff is directed to issue the Request for Proposals (RFP) for solid waste services. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/16/2008. Yeas, 12; Nays, 1 as follow:

Yeas - Goodman, Hodges, Samuels, Gordon, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson Johnson.

Nays - Hofstede.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 5/16/2008.

Steven J. Ristuben,  
City Clerk.



**Correction to a part of the Minneapolis City Council Proceedings of  
May 2, 2008, published May 10, 2008.**

Following is the corrected publication of the Health, Energy & Environment Committee report regarding appointments to the Civilian Police Review Authority Board, deleting all references to the action having been vetoed by the Mayor:

**The HEALTH, ENERGY & ENVIRONMENT Committee submitted the following report:  
~~VETOED BY THE MAYOR~~**

**HE&E** – Your Committee, having held a public hearing to consider nine appointments to the Civilian Police Review Authority Board (5 City Council and 4 Mayoral, now recommends that the following applicants' names be sent forward without recommendation:

- a. Donald L. Bellfield, Ward 8
- b. Sharlee Benson (incumbent), Ward 11
- c. David Bicking, Ward 9
- d. Ryan Li Dahlstrom, Ward 8
- e. William David Ellis, Ward 3
- f. Pam Franklin, Ward 2
- g. Meghan M. Greenwell, Ward 3
- h. Tricia Hendren, Ward 1
- i. Yvonne MacFarlane, Ward 12
- j. Octavio Ruiz-Balam Yaxkin, Ward 9
- k. Corey Sherman, Ward 6
- l. Mary Flowers Spratt, Ward 8
- m. Steven Swendra, II, Ward 2
- n. Justin Terrell (incumbent), Ward 8
- o. Lindsay Turner, Ward 2
- p. Austin P. Zuege, Ward 10.

Benson moved to substitute the following report for the above report. Seconded.

**HE&E** – Your Committee, having held a public hearing to consider nine appointments to the Civilian Police Review Authority Board (5 City Council and 4 Mayoral), now recommends approval of the following appointments and reappointments for four year terms to expire December 31, 2011:

*Appointments – City Council*

Donald L. Bellfield, Ward 8  
Ryan Li Dahlstrom, Ward 8  
Austin P. Zuege, Ward 10

*Appointments – Mayoral*

Pam Franklin, Ward 2  
Lindsay Turner, Ward 2

*Reappointment – City Council*

Justin Terrell, Ward 8

*Reappointment – Mayoral*

Sharlee Benson, Ward 11. Seconded.

Gordon moved to amend Benson's motion by adding the following paragraph:

"Your Committee further recommends approval of the following appointments:

City Council

David Bicking, Ward 9, to fill the unexpired term of Michael Burns to expire December 31, 2009.

Mayoral

William David Ellis, Ward 3, to fill the unexpired term of Joseph A Dobbert to expire December 31, 2009." Seconded.

Adopted. Yeas, 10; Nays, 2 as follows:

Yeas – Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden, Remington.

Nays – Colvin Roy, Johnson.

Absent – Goodman.

**MAY 16, 2008**

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Benson's motion to substitute was adopted by unanimous consent.

Absent – Goodman.

The substitute report, as amended, was adopted 5/2/2008.

Absent – Goodman.

**~~Vetoed by Mayor Rybak 5/8/2008.~~**

~~(See "Unfinished Business" next meeting)~~

Unofficial Posting: 5/21/2008  
Official Posting: 5/23/2008